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JOURNAL of the HOUSE OF REPRESENTATIVES

Containing the 2006 Session

January 4, 2006

through

June 28, 2006

and

the Special Session of

September 26, 2006

W. DOUGLAS SCAMMAN

SPEAKER

KAREN O. WADSWORTH
CLERK

DEBORAH NIELSEN
SERGEANT-AT-ARMS

**Typesetting by
State Bureau of Graphic Services
Concord, NH**

**Printing and Binding by
West Group
Eagan, MN**

HOUSE JOURNAL No. 1

Wednesday, January 4, 2006

This day, January 4, 2006, the first Wednesday following the first Tuesday in January, being the day designated by the Constitution (Article 3rd, Part 2nd) for assembling of the second-year session of the 159th General Court of the State of New Hampshire, at the Capitol in the city of Concord, the Speaker convened the 2006 House of Representatives and called the session to order at 10:10 a.m.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Reverend Jared Rardin, Pastor of the South Congregational Church in Concord. O God whose very name transcends anything and everything we deal with in this place,

Whose loving presence silences our deepest fears

And whose divine justice disquiets our false sense of security,

We gather at the beginning of this new session to serve Your people.

The wealthy and the poor.

The sick and the healthy.

The overeducated and the undereducated.

Those who live in comfortable homes and those who live in shelters.

The young and the old.

The gay and the straight.

The insured and the uninsured.

The religious and the non-religious.

In our work this session, help us to remember that they do not belong to us and we to them, but that together we all belong to You.

Give to us today and in the weeks to come a spirit of renewed energy and focus for the work at hand. Let us legislate with both hearts and minds fully operational. Where there is disagreement among us, let it be healthy and constructive. Where there is agreement, let it reveal our common bonds and hopes. And as we work, bless those we hold near and dear: family members, friends and associates who are sick, or hurting, or dying.

And if there are any in this chamber who may be suffering silently in mind, or body or spirit. Hold them close in Your caring grace, and bring them to peace and healing.

This we ask together in Your name. Amen.

Rep. Russell F. Ingram, member from Salem, led the Pledge of Allegiance.

The National Anthem was sung by Tori Caruso, a 9th grade student from White Mountain Regional High School.

LEAVES OF ABSENCE

Reps. Biundo, Cady, Chabot, Donahue, Gillick, Goodwin, Heon, Palangas, Philbrick, Putnam, Stone and Thomas, the day, illness.

Reps. Elizabeth Blanchard, W. Packy Campbell, Carlson, Morneau, Priestley, Soltani and Katherine Taylor, the day, important business.

INTRODUCTION OF GUESTS

Glen, Michael and Ann Marie Morse, guests of Reps. Infantine and DeJoie. Heather Bopp, guest of Rep. Irish. The New Hampshire Liberty Alliance, guests of Reps. Headd and Dumaine.

INTRODUCTION OF SPECIAL GUEST

Honorable Harold W. Burns, former Speaker of the House, guest of the House.

COMMUNICATION

December 21, 2005

Karen Wadsworth, Clerk of the House.

Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Grafton County, District 6, James D. Aguiar, d, Campton (21 Depot Street) 03223

William M. Gardner, Secretary of State

CALL OF THE ROLL

With 351 members having answered the call, the Chair declared a quorum present.

REPORT OF THE CHAPLAIN COMMITTEE

Rep. Weyler reported the Chaplain Committee's selection of Reverend Jared Rardin, Pastor of the South Congregational Church in Concord, who will serve as the House Chaplain for the 2006 session.

AMENDMENT TO HOUSE RULES

Reps. O'Neil and Craig moved that the House adopt the amendment to House Rule 64, proposed by the Rules Committee, adding the following deadlines for legislative action in the second-year session:

January 4 th , Wednesday	Last day to introduce 2006 House Bills
February 9 th , Thursday	Last day to REPORT HBs going to 2 nd committee (noon)
February 15 th , Wednesday	Last day to ACT on House Bills going to 2 nd committee
February 23, Thursday	Last day to REPORT all other House Bills (noon)
March 16 th , Thursday	Last day to REPORT House Bills from 2 nd committee (noon)
March 22 nd , Wednesday	CROSSOVER Last day to ACT on House Bills
April 6 th , Thursday	Last day to REPORT Senate Bills going to 2 nd committee (noon)
April 12 th , Wednesday	Last day to ACT on Senate Bills going to 2 nd committee
April 20 th , Thursday	Last day to REPORT all other Senate Bills (noon)
April 27 th , Thursday	Last day to REPORT Senate Bills from 2 nd committee (noon)
May 3 rd , Wednesday	Last day to ACT on Senate Bills
May 11 th , Thursday	Last day to FORM Committees of Conference
May 18 th , Thursday	Last day to SIGN Committee of Conference Reports (3:00 p.m.)
May 24 th , Wednesday	Last day to ACT on Committee of Conference Reports

Rep. O'Neil spoke in favor.
Adopted.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1101 through 1149, 1151 through 1174, 1176 through 1199, 1201 through 1249, 1251 through 1274, 1276 through 1299, 1301 through 1349, 1351 through 1374, 1376 through 1399, 1401 through 1449, 1451 through 1474, 1476 through 1499, 1501 through 1549, 1551 through 1474, 1476 through 1599, 1601 through 1649, 1651 through 1674 1676 through 1699, and 1701 through 1748, House Joint Resolutions numbered 20 through 26, House Concurrent Resolutions numbered 20 through 25, House Resolutions numbered 20 through 22, and Constitutional Amendment Concurrent Resolutions numbered 30 through 42 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS, HJRS, HCRS, HRS, and CACRS

First, second reading and referral

HB 1101-FN-L, relative to the definition of "hotel" for purposes of exclusion from the meals and rooms tax. (Almy, Graf 11: Ways and Means)

HB 1102, allowing municipalities to adopt a property tax credit for homeowners supporting a disabled adult child in the home. (Ober, Hills 27: Municipal and County Government)

HB 1103, relative to creating county commissioner districts in Strafford County. (Goodwin, Straf 6; Bickford, Straf 3; Cataldo, Straf 3; W. P. Campbell, Straf 3; Marjorie Smith, Straf 7: Municipal and County Government)

HB 1104-FN-A, making an appropriation to the Good Neighbor Health Clinic. (Houde-Quimby, Sull 1; Harding, Graf 11; Hammond, Graf 11; Sokol, Graf 9; Prichard, Sull 1; Burling, Dist 5: Health, Human Services and Elderly Affairs)

HB 1105, relative to eyewitness identification procedures. (Hammond, Graf 11; Ulery, Hills 27: Criminal Justice and Public Safety)

HB 1106-L, relative to charter commissions. (Hunter, Hills 7; Pepino, Hills 11; Emerton, Hills 7; Manney, Hills 7: Municipal and County Government)

HB 1107, relative to requirements for commercial construction contracts. (Infantine, Hills 13; Carter, Hills 3: Commerce)

HB 1108, relative to the transfer of funds among PAUs within a department. (King, Coos 1; Morse, Dist 22: Finance)

HB 1109, establishing a committee to study the calculation of unemployment benefits. (Cali-Pitts, Rock 16: Labor, Industrial and Rehabilitative Services)

HB 1110, relative to exemptions from licensing requirements for athletic trainers. (Pilotte, Hills 16; F. Sullivan, Hills 12; Martel, Dist 18: Executive Departments and Administration)

HB 1111, designating the pumpkin as the New Hampshire state fruit. (Peter Allen, Ches 6; Dunn, Ches. 3; Matarazzo, Hills 20; Butynski, Ches 4; R. Flanders, Dist 7: Environment and Agriculture)

HB 1112, relative to disclosure of appeals processes under insurance policies. (Dexter, Ches 6: Commerce)

HB 1113, adding a definition of "public academy" to New Hampshire law. (S. L'Heureux, Merr 9; Carter, Hills 3; Snyder, Straf 2: Education)

HB 1114, relative to regulation by the board of licensure of interpreters for the deaf and hard of hearing. (Bergin, Hills 6; MacKay, Merr 11: Executive Departments and Administration)

HB 1115, relative to the definition of resident for purposes of fish and game laws. (R. L'Heureux, Hills 19; Gallus, Dist 1; Roberge, Dist 9; Johnson, Dist 2: Fish and Game)

HB 1116, relative to service of the notice to quit and writ of possession in landlord tenant actions. (Wendelboe, Belk 1: Judiciary)

HB 1117, relative to the economic development section of a master plan. (Patten, Carr 4; Theberge, Coos 4; Fuller Clark, Dist 24: Municipal and County Government)

HB 1118, requiring paper ballots at all elections. (Clemons, Hills 24; Splaine, Rock 16; C. Chase, Hills 2; Clegg, Dist 14: Election Law)

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll. (Tholl, Coos 2; Merrick, Coos 2; H. Richardson, Coos 2; Bouchard, Merr 11; French, Merr 5; D'Allesandro, Dist 20; Gallus, Dist 1: Public Works and Highways)

HB 1120-FN-L, relative to Internet access in public libraries. (Adams, Hills 2: Science, Technology and Energy)

HB 1121-L, relative to licensure levels of care in residential care facilities. (MacKay, Merr 11; Pilliod, Belk 5; Hogancamp, Ches 4; Emerson, Ches 7; Martel, Dist 18: Health, Human Services and Elderly Affairs)

HB 1122, relative to special elections. (Winchell, Rock 6: Election Law)

HB 1123, requiring equestrian helmets for first-time riders. (Olimpio, Carr 5: Environment and Agriculture)

HB 1124, relative to the wording of ballot questions and specifying that a simple majority is required to pass a ballot question, unless a supermajority vote is otherwise required. (Winchell, Rock 6: Municipal and County Government)

HB 1125, relative to the filing period for candidates at the presidential primary. (Splaine, Rock 16: Election Law)

HB 1126, relative to licenses for first mortgage bankers and brokers. (S. Francoeur, Rock 15: Commerce)

HB 1127, relative to the obligation of religious leaders to report child abuse. (Gile, Merr 10; Brueggemann, Merr 12: Children and Family Law)

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system. (Zolla, Rock 5; Hawkins, Hills 18; Flanders, Dist 7: Executive Departments and Administration)

HB 1129, relative to eminent domain. (Villeneuve, Hills 18; Gibson, Hills 19; Itse, Rock 9; Roberge, Dist 9: Judiciary)

HB 1130, relative to the definition of necessary shelter for dogs. (P. Allen, Ches 6; Espieffs, Ches 3; B. Richardson, Ches 5: Environment and Agriculture)

HB 1131, increasing the payment in lieu of taxes paid to the city of Portsmouth by the Pease development authority. (Pantelakos, Rock 16; Splaine, Rock 16; Powers, Rock 16; Serlin, Rock 16; Fuller Clark, Dist 24: Finance)

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment. (Hofemann, Straf 6; Brassard, Hills 17; Hawkins, Hills 18; Albert, Straf 1; Heon, Straf 2; Estabrook, Dist 21; Letourneau, Dist 19: Municipal and County Government)

HB 1133, establishing the employee civic duty act. (Mooney, Hills 19; DiFruscia, Rock 4; Soltani, Merr 8; Brassard, Hills 17; Infantine, Hills 13; Larsen, Dist 15; Hassan, Dist 23; Estabrook, Dist 21: Labor, Industrial and Rehabilitative Services)

- HB 1134**, relative to membership of the state building code review board. (Harding, Graf 11; Hammond, Graf 11; Bergin, Hills 6; DeJoie, Merr 11; Burling, Dist 5: Executive Departments and Administration)
- HB 1135**, making a technical correction to the Uniform Interstate Family Support Act. (Harding, Graf 11: Children and Family Law)
- HB 1136**, establishing a commission to study the care needs of medically-fragile students in the school system. (Harding, Graf 11; French, Merr 5; Burling, Dist 5: Education)
- HB 1137**, relative to criminal trespass. (Renzullo, Hills 27; Buhlman, Hills 27; Ulery, Hills 27; Rowe, Hills 6; Itse, Rock 9: Criminal Justice and Public Safety)
- HB 1138**, relative to required pay for employees called into work. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)
- HB 1139**, relative to the time required between mandatory shifts or other work periods. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)
- HB 1140**, establishing a committee to study the establishment and enforcement of protection zones for nesting loons. (Mirski, Graf 10: Fish and Game)
- HB 1141**, relative to innovative land use controls. (Mirski, Graf 10: Municipal and County Government)
- HB 1142**, establishing a committee to study whether a general business license should replace the licensure of trades and professions. (Mirski, Graf 10: Executive Departments and Administration)
- HB 1143**, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Ladies' Bridge. (Mirski, Graf 10: Public Works and Highways)
- HB 1144**, allowing dental hygienists to engage in independent practice. (Mirski, Graf 10; Hopfgarten, Rock 5; Bicknell, Rock 1: Executive Departments and Administration)
- HB 1145**, permitting vehicles to proceed straight through an intersection after stopping for a red light. (Field, Merr 7; Cady, Rock 1: Transportation)
- HB 1146**, establishing a committee to study renewable portfolio standards. (Harvey, Hills 21; Ross, Hills 3; Ryan, Merr 2; Hassan, Dist 23; Green, Dist 6: Science, Technology and Energy)
- HB 1147**, relative to the conduct of recounts. (Harvey, Hills 21; Hall, Hills 5; Drisko, Hills 5; Hassan, Dist 23: Election Law)
- HB 1148-FN-A**, making an appropriation to the Seacoast Shipyard Association. (Splaine, Rock 16; Serlin, Rock 16; Powers, Rock 16; Pantelakos, Rock 16; Cali-Pitts, Rock 16; Fuller Clark, Dist 24; Hassan, Dist 23: Finance)
- HB 1149**, regarding public notification of sexual offender information and establishing a committee to study the creation of a sexual offender classification system. (Dokmo, Hills 6; Buhlman, Hills 27; Slocum, Hills 6; Price, Hills 26; Langley, Rock 18: Criminal Justice and Public Safety)
- HB 1151**, relative to the prohibition of illegal aliens. (Ulery, Hills 27; Renzullo, Hills 27; Buhlman, Hills 27; Mirski, Graf 10: Criminal Justice and Public Safety)
- HB 1152**, naming a certain bridge over the Merrimack River. (Shurtleff, Merr 10: Public Works and Highways)
- HB 1153**, establishing a commission to study the laws and rules relating to subpoenas, summonses, and complaints. (Ulery, Hills 27; Rowe, Hills 6; Boyce, Belk 5; Bettencourt, Rock 4: Judiciary)
- HB 1154-FN**, relative to eligibility for special number plates for veterans. (Stiles, Rock 15; Gillick, Rock 15: Transportation)
- HB 1155**, creating a violation for failure to pay a highway toll. (J. Flanders, Rock 8; P. Cote, Hills 25: Transportation)
- HB 1156**, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail. (J. Flanders, Rock 8: Executive Departments and Administration)
- HB 1157**, relative to the definition of a sending district. (Foote, Ches 6; Hogancamp, Ches 4; Emerson, Ches 7: Education)
- HB 1158**, relative to eligibility for the property tax exemption for the disabled. (Weare, Rock 14: Municipal and County Government)
- HB 1159**, relative to procedures for certain court ordered out-of-district placements. (Grassie, Straf 1; Foote, Ches 6: Education)
- HB 1160**, establishing a committee to study the effects of willful, habitual misconduct by individuals on their subsequent well-being which may impose a burden on public funds. (Rosen, Belk 4: Health, Human Services and Elderly Affairs)

- HB 1161**, requiring vehicles to be equipped with a useable spare tire. (P. Johnson, Hills 26: Transportation)
- HB 1162**, relative to village districts. (Patten, Carr 4; Stohl, Coos 1; Chandler, Carr 1: Municipal and County Government)
- HB 1163**, establishing a commission to study the feasibility of developing a conversion system for motor vehicles to operate on multiple fuels. (Buzzell, Coos 4; C. Chase, Hills 2: Science, Technology and Energy)
- HB 1164**, requiring cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. (McRae, Hills 7; Pilliod, Belk 5: Science, Technology and Energy)
- HB 1165**, relative to absentee voting. (Hall, Hills 5: Election Law)
- HB 1166**, relative to electronic ballot counting machines. (Hall, Hills 5: Election Law)
- HB 1167-FN-A**, making an appropriation to the land and community heritage investment program. (Hess, Merr 9; Hager, Merr 12; Dickinson, Carr 1; Pratt, Ches 2; Johnson, Dist 2; Larsen, Dist 15; Martel, Dist 18: Finance)
- HB 1168**, establishing a commission to determine how to optimize boating safety on water bodies. (Spang, Straf 7; Currier, Merr 5; Johnson, Dist 2: Resources, Recreation and Development)
- HB 1169-L**, relative to highway construction safety. (Whiting, Merr 2; Reed, Merr 2: Public Works and Highways)
- HB 1170**, requiring state education aid to be used exclusively for public education. (Gale, Sull 3: Education)
- HB 1171**, relative to the violation of protective orders. (J. Wheeler, Hills 6: Criminal Justice and Public Safety)
- HB 1172-FN**, relative to registration of political committees. (Rowe, Hills 6: Election Law)
- HB 1173**, relative to designating the clerk in municipalities with multiple polling places the chief elections officer for the municipality. (Clemons, Hills 24; Drisko, Hills 5; J. Allen, Belk 5; Lasky, Hills 26: Election Law)
- HB 1174**, requiring that voters who request a secret ballot be present at the town meeting. (Anderson, Merr 13; Walz, Merr 13: Municipal and County Government)
- HB 1176**, establishing a committee to study statutes relating to railroads. (Danforth, Merr 6; Green, Dist 6: Transportation)
- HB 1177**, prohibiting smoking in restaurants and cocktail lounges. (S. Francoeur, Rock 15; MacKay, Merr 11; Infantine, Hills 13; Dokmo, Hills 6; Norelli, Rock 16; D'Allesandro, Dist 20; Hassan, Dist 23; Fuller Clark, Dist 24; Odell, Dist 8; Gottesman, Dist 12: Commerce)
- HB 1178**, relative to the definition of an adequate education. (P. Allen, Ches 6: Education)
- HB 1179**, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission. (Graham, Hills 18; Calawa, Hills 27; F. Tilton, Belk 4; Cloutier, Sull 4; Bouchard, Merr 11; Letourneau, Dist 19; Hassan, Dist 23; D'Allesandro, Dist 20; Morse, Dist 22: Ways and Means)
- HB 1180**, relative to distributing sexual offender registry information. (Buhlman, Hills 27; Ober, Hills 27; Renzullo, Hills 27; Gibson, Hills 19; Ulery, Hills 27; Clegg, Dist 14: Criminal Justice and Public Safety)
- HB 1181**, establishing a committee to study the composition of the retirement system board of trustees. (O'Neil, Rock 15: Executive Departments and Administration)
- HB 1182-FN**, relative to the recreational taking of lobster by scuba divers. (Emerton, Hills 7: Fish and Game)
- HB 1183**, relative to the terms of office for state department commissioners. (Kennedy, Merr 4; Boyce, Belk 5: Executive Departments and Administration)
- HB 1184**, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities. (S. L'Heureux, Merr 9; Hess, Merr 9: Municipal and County Government)
- HB 1185**, relative to Volunteer NH. (Gargas, Hills 5; Martel, Dist 18: Executive Departments and Administration)
- HB 1186**, relative to the location of the Cheshire county superior court. (Pratt, Ches 2; D. Eaton, Ches 2; Dexter, Ches 6: Public Works and Highways)
- HB 1187**, requiring a school district to disclose the percentage of its total education budget used for direct support of education. (Giuda, Graf 5: Education)
- HB 1188**, relative to notice before entry into a condominium unit. (Bouchard, Merr 11: Commerce)

HB 1189, relative to audits by the legislative budget assistant. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Clegg, Dist 14: Finance)

HB 1190, establishing a committee to study refunds of insurance premiums overcharged under SB 110. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Fuller Clark, Dist 24: Commerce)

HB 1191, making technical corrections to the chapter governing vital records. (Pilotte, Hills 16; F. Sullivan, Hills 12; Martel, Dist 18: Executive Departments and Administration)

HB 1192, relative to property and casualty insurance. (S. Francoeur, Rock 15; Flanders, Dist 7; Hassan, Dist 23; Martel, Dist 18: Commerce)

HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution. (Marple, Merr 9; L. Christiansen, Hills 27; Roberts, Ches 3; Itse, Rock 9: Judiciary)

HB 1194, relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel. (Wiley, Rock 5: Labor, Industrial and Rehabilitative Services)

HB 1195, relative to salary and compensation increases included in a default budget. (Slocum, Hills 6; O'Brien, Hills 4: Municipal and County Government)

HB 1196, relative to cost items submitted to the town meeting. (Slocum, Hills 6; O'Brien, Hills 4: Municipal and County Government)

HB 1197, establishing a committee to study requiring state government to consider using open source software when acquiring new software. (Cataldo, Straf 3; Maxfield, Merr 6: Executive Departments and Administration)

HB 1198, establishing a committee to study highway rest areas. (Rausch, Rock 5; Major, Rock 8; King, Coos 1; Chandler, Carr 1; Bouchard, Merr 11; Letourneau, Dist 19; Clegg, Dist 14; Morse, Dist 22; D'Allesandro, Dist 20; Hassan, Dist 23: Public Works and Highways)

HB 1199-FN, requiring out-of-state owners to register unflyable aircraft. (Rausch, Rock 5; Cloutier, Sull 4; Bouchard, Merr 11: Transportation)

HB 1201, relative to child passenger restraints. (Packard, Rock 3; Letourneau, Dist 19: Transportation)

HB 1202, relative to the minimum age required for marriage. (Mitchell, Ches 7; Rosenwald, Hills 22: Children and Family Law)

HB 1203-FN-L, relative to school building costs for athletic fields. (Scanlon, Hills 18; Graham, Hills 18; Hawkins, Hills 18: Education)

HB 1204, relative to human immunodeficiency virus education, prevention, and control. (MacKay, Merr 11: Health, Human Services and Elderly Affairs)

HB 1205, relative to service of process by New Hampshire plaintiffs on foreign corporations. (Ulery, Hills 27; Rowe, Hills 6: Judiciary)

HB 1206, relative to the assessing standards board. (Patten, Carr 4; Chandler, Carr 1: Municipal and County Government)

HB 1207, establishing a committee to study the creation of a flag to honor all police departments in the state. (Dickinson, Carr 1: Legislative Administration)

HB 1208, establishing a committee to study transferring case management responsibilities for home and community-based care programs from the department of health and human services to the counties. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs)

HB 1209, relative to notification requirements for criminal offenders. (Thomas, Belk 5; J. Allen, Belk 5: Criminal Justice and Public Safety)

HB 1210, restricting the speed of remote-controlled model boats. (N. Johnson, Straf 3; L. Brown, Straf 3: Resources, Recreation and Development)

HB 1211, relative to tinted glass on motor vehicles. (M. Cooney, Graf 7: Transportation)

HB 1212-FN, relative to the relocation of manufactured housing having delinquent property taxes. (Cady, Rock 1; Bicknell, Rock 1; Barnes, Dist 17: Municipal and County Government)

HB 1213, prohibiting tampering with a motorcycle's noise control system. (Buco, Carr 1: Transportation)

HB 1214, establishing a task force to identify and assess community-based, educational and social/human services programs that serve families with children 8 years of age and younger. (Gile, Merr 10; Gargasz, Hills 5: Children and Family Law)

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. (Stohl, Coos 1; King, Coos 1; Chandler, Carr 1; Graham, Hills 18; Gallus, Dist 1: Finance)

HB 1216, relative to the sale of unpasteurized milk. (Dalrymple, Rock 4: Environment and Agriculture)

HB 1217, requiring the secretary of state to publish certain information on campaign contributions. (Itse, Rock 9; Rowe, Hills 6; Giuda, Graf 5: Election Law)

HB 1218, relative to the unauthorized use of the name of a financial institution. (Stepanek, Hills 6; Reardon, Merr 11; Flanders, Dist 7: Commerce)

HB 1219, prohibiting the use of public funds to advocate for the success or defeat of a candidate or ballot question. (Kennedy, Merr 4: Election Law)

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older. (MacKay, Merr 11; Pilliod, Belk 5; Hogancamp, Ches 4; Emerson, Ches 7; French, Merr 5; Martel, Dist 18: Health, Human Services and Elderly Affairs)

HB 1221-FN, relative to recovery of medical assistance from a decedent's estate. (Kidder, Merr 1: Judiciary)

HB 1222-FN, relative to unlawful voting. (O'Neil, Rock 15: Election Law)

HB 1223-FN, relative to the use of real estate brokers by the department of transportation. (D. Campbell, Hills 24; Graham, Hills 18; D'Allesandro, Dist 20: Public Works and Highways)

HB 1224-FN, establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. (D. Campbell, Hills 24; Rausch, Rock 5; Graham, Hills 18; D'Allesandro, Dist 20: Judiciary)

HB 1225-FN-A, making a capital appropriation to the department of administrative services for siting, design, and construction of the new Henniker-Hillsborough courthouse. (Essex, Hills 1; Shattuck, Hills 1; French, Merr 5; Carew, Hills 1; Currier, Merr 5; Flanders, Dist 7: Public Works and Highways)

HB 1226-FN, relative to the New Hampshire Humanities Council. (M. Smith, Straf 7; Gile, Merr 10; Fuller Clark, Dist 24: Finance)

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities. (Ferland, Sull 5; Phinizy, Sull 5; Odell, Dist 8: Commerce)

HB 1228-FN, relative to the sale or lease of state-owned real estate. (Chandler, Carr 1; Rausch, Rock 5; Gould, Rock 5; Cloutier, Sull 4; D'Allesandro, Dist 20; Clegg, Dist 14; Flanders, Dist 7; Boyce, Dist 4: Public Works and Highways)

HB 1229-FN, prohibiting the use of false documentation for employment, government services, or permits. (Renzullo, Hills 27; Buhlman, Hills 27; Ulery, Hills 27; Villeneuve, Hills 18: Criminal Justice and Public Safety)

HB 1230-FN, relative to clinical trials for pharmaceuticals. (Matarazzo, Hills 20; Cloutier, Sull 4; P. Allen, Ches 6; Pilliod, Belk 5: Health, Human Services and Elderly Affairs)

HB 1231-FN, relative to the penalty for assaulting a firefighter, emergency medical technician, or law enforcement officer. (Wiley, Rock 5: Criminal Justice and Public Safety)

HB 1232-FN, applying the enhanced 911 system surcharge to voice over Internet protocol telephone service providers. (S. L'Heureux, Merr 9: Science, Technology and Energy)

HB 1233-FN, including public officials under the real estate practice act. (Newton, Straf 1; Giuda, Graf 5: Commerce)

HB 1234-FN, reducing the maximum amount of debt or damages for small claims actions. (Rowe, Hills 6: Judiciary)

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. (Rowe, Hills 6: Criminal Justice and Public Safety)

HB 1236-FN-L, relative to disclosure of public expenditures related to lobbying and electioneering. (O'Brien, Hills 4; Mead, Hills 4; Roberge, Dist 9: Election Law)

HB 1237-FN-L, requiring matching expenditures when public money is paid for purposes of electioneering. (O'Brien, Hills 4; Mead, Hills 4; Roberge, Dist 9: Election Law)

HB 1238-FN, relative to centralized voter registration database information. (O'Brien, Hills 4; O'Neil, Rock 15: Election Law)

HB 1239-FN, relative to dog licensure. (Weare, Rock 14: Environment and Agriculture)

HB 1240-FN, establishing the position of state ethics officer. (Splaine, Rock 16: Executive Departments and Administration)

HB 1241-FN-L, mandating the inclusion of kindergarten as part of an elementary school. (P. Allen, Ches 6; Gile, Merr 10; Matarazzo, Hills 20; Rush, Merr 7; E. Blanchard, Merr 10: Education)

- HB 1242-FN**, relative to providing copies of the house and senate calendars to public libraries. (Mead, Hills 4; Rowe, Hills 6; O'Neil, Rock 15; O'Brien, Hills 4: Legislative Administration)
- HB 1243-FN**, reducing certain fines for motor vehicle violations. (Buhlman, Hills 27; Mirski, Graf 10; Gibson, Hills 19; Renzullo, Hills 27; Welch, Rock 8: Ways and Means)
- HB 1244-FN**, relative to eligibility to receive moneys from the driver training fund. (DeJoie, Merr 11: Transportation)
- HB 1245-FN-L**, allowing municipalities to be paid usage fees for services provided to county government. (Buxton, Rock 10: Municipal and County Government)
- HB 1246-FN**, relative to assault on law enforcement, corrections, and probation-parole officers. (Dumaine, Rock 3: Criminal Justice and Public Safety)
- HB 1247-FN**, relative to licensure of pharmacy benefit managers. (Nowe, Rock 9: Executive Departments and Administration)
- HB 1248-FN**, relative to the alteration of a portion of the town line between Milford and Amherst. (Dokmo, Hills 6; Slocum, Hills 6; Rowe, Hills 6; Bergin, Hills 6; O'Connell, Hills 6; Bragdon, Dist 11: Municipal and County Government)
- HB 1249-FN-A-L**, relative to state reimbursement for school breakfasts and making an appropriation therefor. (Stiles, Rock 15; Pilliod, Belk 5; Rush, Merr 7; Weyler, Rock 8; MacKay, Merr 11; Green, Dist 6; Martel, Dist 18; Larsen, Dist 15; Foster, Dist 13: Education)
- HB 1251-FN**, relative to receipt by counties of federal funds for public assistance. (Gale, Sull 3: Municipal and County Government)
- HB 1252**, authorizing the use of a credit freeze as a means of deterring identity theft. (Villeneuve, Hills 18; Giuda, Graf 5; Mirski, Graf 10; Ulery, Hills 27; Newton, Straf 1: Commerce)
- HB 1253**, authorizing contracts and probationary periods for the hiring of appointed police chiefs. (Boehm, Hills 27; Jasper, Hills 27; Ober, Hills 27; Ulery, Hills 27: Municipal and County Government)
- HB 1254**, relative to eminent domain. (Mooney, Hills 19; Rowe, Hills 6; Dokmo, Hills 6; Sorg, Graf 3; Hinkle, Hills 19; F. Tilton, Belk 4; Clemons, Hills 24: Judiciary)
- HB 1255**, establishing a committee to study improvements to the Amoskeag Street interchange at exit 6 of the F. E. Everett Turnpike. (Hirschmann, Hills 17; Reed, Merr 2; Biundo, Hills 15; Hebert, Hills 17: Public Works and Highways)
- HB 1256**, establishing a committee to study the feasibility of creating an independent administrative office of the courts. (Mirski, Graf 10; Soltani, Merr 8; Sorg, Graf 3; Itse, Rock 9; Boyce, Dist 4; Roberge, Dist 9: Judiciary)
- HB 1257**, relative to conflicts of interest of municipal officials. (Mirski, Graf 10: Municipal and County Government)
- HB 1258-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Mirski, Graf 10; Hinkle, Hills 19; Hopfgarten, Rock 5; Gallus, Dist 1; Johnson, Dist 2; Kenney, Dist 3; Boyce, Dist 4: Executive Departments and Administration)
- HB 1259**, relative to the classification of wetlands as contributing or noncontributing. (Mirski, Graf 10: Resources, Recreation and Development)
- HB 1260**, relative to informing first-time driver's license applicants of the controlled drug laws, and prohibiting the issuance of a youth operator's license to controlled drug violators. (Hinkle, Hills 19; Albert, Straf 1: Transportation)
- HB 1261**, relative to driver's license revocation or denial for drugs or alcohol involvement. (Hinkle, Hills 19; Cataldo, Straf 3; Albert, Straf 1; Mooney, Hills 19: Transportation)
- HB 1262**, legalizing actions taken at town meeting relative to increasing the board of selectmen from 3 members to 5 members in the town of Pittsfield. (Langlais, Merr 8; Soltani, Merr 8; Klose, Merr 8: Municipal and County Government)
- HB 1263**, requiring certain notification before a person with a mental illness may be discharged from a state mental health services facility. (Cady, Rock 1; Bicknell, Rock 1; Dumaine, Rock 3; Souza, Hills 11: Health, Human Services and Elderly Affairs)
- HB 1264**, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act. (Dokmo, Hills 6; Bergin, Hills 6: Executive Departments and Administration)
- HB 1265**, establishing the council on the relationship between public health and the environment. (French, Merr 5; Pilliod, Belk 5; Foster, Dist 13; Martel, Dist 18; Fuller Clark, Dist 24: Environment and Agriculture)

- HB 1266**, relative to acceptance of consular identification documents. (Velez, Hills 12: Judiciary)
- HB 1267**, establishing a committee to study the use of money in dedicated funds. (Klose, Merr 8: Finance)
- HB 1268-FN-A**, making a capital appropriation for air conditioning in the house of representatives chamber in the state house. (Pepino, Hills 11: Public Works and Highways)
- HB 1269**, relative to the taking of red deer or elk. (Chandler, Carr 1; Currier, Merr 5; Patten, Carr 4; R. L'Heureux, Hills 19; Mirski, Graf 10; Clegg, Dist 14; Boyce, Dist 4; D'Allesandro, Dist 20: Fish and Game)
- HB 1270**, relative to the use of wireless telephones while driving. (P. Johnson, Hills 26: Transportation)
- HB 1271**, relative to speed limits on municipal ways. (P. Johnson, Hills 26: Transportation)
- HB 1272**, relative to the authority of elected police chiefs in towns with populations of more than 3,000. (Solomon, Graf 10; Kurk, Hills 7: Municipal and County Government)
- HB 1273**, relative to the disposition of municipal records. (Patten, Carr 4: Municipal and County Government)
- HB 1274**, relative to certain disclosures to the department of health and human services. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Wendelboe, Belk 1; Fuller Clark, Dist 24; Martel, Dist 18: Commerce)
- HB 1276**, relative to automobile insurance. (Manney, Hills 7; Rosenwald, Hills 22; Donovan, Sull 4: Commerce)
- HB 1277**, providing limited immunity to mental health care providers caring for voluntarily admitted patients. (Buzzell, Coos 4: Judiciary)
- HB 1278**, increasing the fine for violating certain laws relative to labor. (Buzzell, Coos 4: Labor, Industrial and Rehabilitative Services)
- HB 1279**, establishing a commission to study state medicaid reimbursement. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs)
- HB 1280**, establishing a committee to study all sources of grant funding received by the state. (Buzzell, Coos 4: Finance)
- HB 1281**, establishing a committee to study the effectiveness of the department of health and human services. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs)
- HB 1282**, establishing a committee to study the reasons why the economically disadvantaged are relocating to rural communities. (Buzzell, Coos 4: Municipal and County Government)
- HB 1283**, relative to sheep and goat identification requirements. (Rausch, Rock 5: Environment and Agriculture)
- HB 1284-FN-A**, increasing the appropriation to the firemen's relief fund. (Price, Hills 26; R. Wheeler, Hills 7; Currier, Merr 5; Stone, Rock 1; D. Eaton, Ches 2; Gallus, Dist 1; Martel, Dist 18; Green, Dist 6; Kenney, Dist 3: Finance)
- HB 1285**, making certain technical corrections to the adoption statute. (McRae, Hills 7: Children and Family Law)
- HB 1286**, authorizing the secretary of state to initiate recounts. (Hall, Hills 5: Election Law)
- HB 1287**, requiring legislative approval of any rules proposed by the state board of education. (Balboni, Hills 21; Newton, Straf 1: Executive Departments and Administration)
- HB 1288**, requiring an audit of federal funds received by the department of education. (Balboni, Hills 21: Finance)
- HB 1289**, relative to Pennichuck Brook and its watershed. (Balboni, Hills 21; Crane, Hills 21; M. Martin, Hills 26: Resources, Recreation and Development)
- HB 1290**, requiring the attorney general to enforce city and town charters and to prosecute suspected violations of city and town charters. (Balboni, Hills 21: Municipal and County Government)
- HB 1291**, relative to automobile insurance coverage for drivers in the same household as the policyholder. (Balboni, Hills 21: Commerce)
- HB 1292**, relative to the application of the capital murder statute. (Bettencourt, Rock 4; Mirski, Graf 10: Criminal Justice and Public Safety)
- HB 1293**, establishing a procedure for towns to change county affiliation. (Gale, Sull 3: Municipal and County Government)
- HB 1294**, relative to antique snowmobiles. (Merrow, Carr 3; Babson, Carr 3; McConkey, Carr 3; Dickinson, Carr 1; Philbrick, Carr 2; Kenney, Dist 3; Johnson, Dist 2: Fish and Game)

HB 1295, requiring disclosure regarding brake shift interlock by automobile dealers. (W.P. Campbell, Straf 3; Easson, Straf 3: Commerce)

HB 1296, relative to the voluntary scrapie flock certification program. (Rausch, Rock 5: Environment and Agriculture)

HB 1297, relative to requirements for a vehicle dealer license. (Rowe, Hills 6: Transportation)

HB 1298, establishing a commission to evaluate disciplinary procedures of the board of medicine. (Rowe, Hills 6; Itse, Rock 9; Introne, Rock 3; Mooney, Hills 19; Putnam, Rock 8: Executive Departments and Administration)

HB 1299, establishing a medical malpractice insurance study commission. (Rowe, Hills 6; Introne, Rock 3; Mooney, Hills 19; Itse, Rock 9: Commerce)

HB 1301-L, relative to the purchase of conservation, preservation, and agricultural preservation restrictions. (Newton, Straf 1; Giuda, Graf 5: Municipal and County Government)

HB 1302, relative to hunting in the town of Bow. (E. Anderson, Merr 13; DeStefano, Merr 13; Walz, Merr 13: Fish and Game)

HB 1303-FN, requiring sex offenders to renew their drivers' licenses annually. (Langley, Rock 18; Dokmo, Hills 6; Lockwood, Merr 6; S. Scamman, Rock 13; Clemons, Hills 24; Roberge, Dist 9: Transportation)

HB 1304-FN, relative to the scope of registration of lobbyists and statements of lobbying activities. (P. Sullivan, Hills 10; Gibson, Hills 19; Splaine, Rock 16: Election Law)

HB 1305-L, relative to license fees charged by municipalities for coin operated amusement devices. (P. Sullivan, Hills 10: Municipal and County Government)

HB 1306, relative to threats made by pupils against a school. (Cloutier, Sull 4; Osgood, Sull 4; Donovan, Sull 4; Tholl, Coos 2; D'Allesandro, Dist 20; Johnson, Dist 2: Education)

HB 1307, relative to application requirements for motor vehicle recycling yard licenses. (Bergeron, Hills 27; Weyler, Rock 8; Soltani, Merr 8: Transportation)

HB 1308, establishing a commission to study revising the New Hampshire special education statutes. (Prichard, Sull 1; Houde-Quimby, Sull 1; Burling, Dist 5; Hassan, Dist 23: Education)

HB 1309, relative to commercial driver licenses when the license holder fails a drug or alcohol test. (Villeneuve, Hills 18; Ulery, Hills 27; Roberge, Dist 9: Transportation)

HB 1310, relative to strikes by public employees. (Weed, Ches 3: Labor, Industrial and Rehabilitative Services)

HB 1311-FN-A, relative to the electronic filing of reports and applications with the secretary of state and relative to certain fees paid to the secretary of state. (Weed, Ches 3; Splaine, Rock 16: Election Law)

HB 1312, relative to the definition of gift as it applies to elected officials. (Weed, Ches 3; Splaine, Rock 16: Election Law)

HB 1313, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge. (Gilbert, Rock 12; S. Scamman, Rock 13: Public Works and Highways)

HB 1314, relative to an adult roles and responsibilities curriculum. (French, Merr 5; B. Richardson, Ches 5; Naro, Graf 7; Moran, Hills 18; Wallner, Merr 12; Larsen, Dist 15; Estabrook, Dist 21; D'Allesandro, Dist 20; Kenney, Dist 3; Johnson, Dist 2: Education)

HB 1315, relative to the definition and classification of dams. (R. Cooney, Rock 4; Whalley, Belk 5; Currier, Merr 5; Parkhurst, Ches 4; Johnson, Dist 2; Barnes, Dist 17; Gallus, Dist 1: Resources, Recreation and Development)

HB 1316, exempting records of the National Animal Identification System from the right to know law. (Babson, Carr 3; O'Connell, Hills 6; Owen, Merr 4: Judiciary)

HB 1317, relative to the eradication of exotic aquatic weeds. (Drisko, Hills 5; R. Cooney, Rock 4; Whalley, Belk 5; Russell, Belk 6; J. Allen, Belk 5; D'Allesandro, Dist 20; Clegg, Dist 14: Resources, Recreation and Development)

HB 1318, relative to prohibiting services for illegal immigrants. (Buhlman, Hills 27; Renzullo, Hills 27; Ulery, Hills 27; Slocum, Hills 6: Health, Human Services and Elderly Affairs)

HB 1319-FN-A, decreasing the rate of the tobacco tax. (Buhlman, Hills 27; Mirski, Graf 10; Bettencourt, Rock 4; Balboni, Hills 21: Ways and Means)

HB 1320, relative to penalties for planning and zoning violations. (Buhlman, Hills 27: Municipal and County Government)

- HB 1321**, relative to qualifications for police chiefs in towns with populations of more than 3,000. (Solomon, Graf 10; Green, Dist 6: Municipal and County Government)
- HB 1322**, relative to the establishment of allodial rights. (Marple, Merr 9; L. Christiansen, Hills 27; Buhlman, Hills 27: Judiciary)
- HB 1323**, relative to the statement of purpose in the statewide education improvement and assessment program. (Marple, Merr 9; L. Christiansen, Hills 27; Buhlman, Hills 27: Education)
- HB 1324**, relative to leasing the Cannon Mountain ski area. (O'Neil, Rock 15; Chandler, Carr 1; King, Coos 1: Resources, Recreation and Development)
- HB 1325**, relative to state regulation of martial arts schools. (Holden, Hills 7; Weyler, Rock 8; Plifka, Ches 4; Clegg, Dist 14; D'Allesandro, Dist 20: Commerce)
- HB 1326**, relative to donation of compensation by members of the general court. (L. Christiansen, Hills 27; Hellwig, Hills 27; Marple, Merr 9; Weyler, Rock 8: Legislative Administration)
- HB 1327**, requiring a vote by the tenants who are owners of manufactured housing park units prior to purchase of the manufactured housing park by the tenant or tenants' association. (Emerton, Hills 7; Hunter, Hills 7: Commerce)
- HB 1328-FN**, relative to motor vehicle inspections. (Vaillancourt, Hills 15; Infantine, Hills 13; Mirski, Graf 10: Transportation)
- HB 1329-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. (Vaillancourt, Hills 15; Bickford, Straf 3; Pratt, Ches 2; Butynski, Ches 4; J. Tilton, Merr 6: Ways and Means)
- HB 1330**, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments. (Rodeschin, Sull 2; Patten, Carr 4; Hogancamp, Ches 4; McRae, Hills 7; D. Eaton, Ches 2; Eaton, Dist 10; Morse, Dist 22; D'Allesandro, Dist 20; Flanders, Dist 7; Odell, Dist 8: Municipal and County Government)
- HB 1331**, establishing a committee to study the Temporary Assistance to Needy Families (TANF) reauthorization. (Dalrymple, Rock 4: Health, Human Services and Elderly Affairs)
- HB 1332**, establishing a commission to study health care in New Hampshire prisons. (Hamm, Merr 4; Wall, Straf 7; Hammond, Graf 11; Charron, Rock 7; MacKay, Merr 11; Fuller Clark, Dist 24; Martel, Dist 18: Health, Human Services and Elderly Affairs)
- HB 1333**, relative to solid waste reduction goals. (Phinizy, Sull 5; Babson, Carr 3; O'Connell, Hills 6; Powers, Rock 16; Hamm, Merr 4; Fuller Clark, Dist 24; Green, Dist 6; Hassan, Dist 23: Environment and Agriculture)
- HB 1334**, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts. (Bishop, Rock 2; Barnes, Dist 17: Labor, Industrial and Rehabilitative Services)
- HB 1335**, relative to the authority of law enforcement officers during a state of emergency. (Bicknell, Rock 1; Kennedy, Merr 4; Cataldo, Straf 3: Criminal Justice and Public Safety)
- HB 1336**, relative to administrators of estates. (Cady, Rock 1; Hagan, Hills 17; Souza, Hills 11: Judiciary)
- HB 1337**, relative to the regulation of carnival and amusement ride operators. (Splaine, Rock 16: Commerce)
- HB 1338**, relative to medical malpractice insurance rates. (Phinizy, Sull 5; Baroody, Hills 13; Houde-Quimby, Sull 1; Pratt, Ches 2; Gorman, Hills 23: Commerce)
- HB 1339**, relative to voting procedures for local land use boards. (Mirski, Graf 10; O'Brien, Hills 4; Mead, Hills 4; Hopfgarten, Rock 5; Boyce, Dist 4; Clegg, Dist 14: Municipal and County Government)
- HB 1340**, relative to references to "United States citizen" in the New Hampshire statutes. (Marple, Merr 9; L. Christiansen, Hills 27: Judiciary)
- HB 1341**, relative to the use of land for hunting. (Kennedy, Merr 4: Fish and Game)
- HB 1342**, relative to the development of land and cutting of trees on land surrounding burial grounds and cemeteries. (Keans, Straf 1; Lockwood, Merr 6; Julie Brown, Straf 1; Lawrence Brown, Straf 3: Municipal and County Government)
- HB 1343**, establishing a committee to study the administration and jurisdiction of the council on resources and development. (Chandler, Carr 1; Rausch, Rock 5; Cloutier, Sull 4; D'Allesandro, Dist 20; Clegg, Dist 14; Flanders, Dist 7; Boyce, Dist 4: Resources, Recreation and Development)
- HB 1344**, relative to a certain highway project in Merrimack. (Calawa, Hills 27; Ober, Hills 27; Ulery, Hills 27; Renzullo, Hills 27; Jasper, Hills 27: Public Works and Highways)

HB 1345, establishing a commission to study community relations between the town of Plymouth and Plymouth state university. (Naro, Graf 7; M. Cooney, Graf 7; Asselin, Rock 7: Municipal and County Government)

HB 1346, requiring certain persons to keep the contents of prescriptions confidential. (Rosenwald, Hills 22; MacKay, Merr 11; Miller, Straf 7; Price, Hills 26; Gottesman, Dist 12; Foster, Dist 13; Martel, Dist 18; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

HB 1347, relative to licensure, registration, or certification of regulated professions. (Patten, Carr 4; N. Allan, Hills 26; S. Francoeur, Rock 15; Pilote, Hills 16: Executive Departments and Administration)

HB 1348, requiring hunters to wear hunter orange. (Patten, Carr 4: Fish and Game)

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. (Patten, Carr 4; Bicknell, Rock 1; Welch, Rock 8: Finance)

HB 1351, relative to the rulemaking process. (Patten, Carr 4; Stohl, Coos 1; Millham, Belk 5; N. Allan, Hills 26; Clegg, Dist 14; Morse, Dist 22: Executive Departments and Administration)

HB 1352, relative to the placement of regional electronic toll collection system transponder readers. (Dickinson, Carr 1; M. Smith, Straf 7: Public Works and Highways)

HB 1353, relative to addresses on motor vehicle registrations. (Almy, Graf 11: Transportation)

HB 1354, relative to physical force in defense of a person. (Dickinson, Carr 1; Merrow, Carr 3; Bicknell, Rock 1; Mirski, Graf 10; Bishop, Rock 2; Camm, Rock 8; Albert, Straf 1; Cataldo, Straf 3; Greco, Merr 7; Goyette, Hills 27; Itse, Rock 9; Pepino, Hills 11; Hellwig, Hills 27; Dumaine, Rock 3; R. L'Heureux, Hills 19; Renzullo, Hills 27; Winchell, Rock 6; Nowe, Rock 9; Headd, Rock 3; Hinkle, Hills 19; Tupper, Merr 6; Marple, Merr 9; L. Christiansen, Hill 27; Parkhurst, Ches 4; Brassard, Hill 7; Reed Merr 2; Cilley, Straf 3; P. Smith, Hills 22; Ingbertson, Graf 5; Giuda, Graf 5; Ulery, Hills 27; Veazey, Belk 4; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Belanger, Rock 4; Doyle, Rock 4; Zolla, Rock 5; Soltani, Merr 8; Ross, Hills 3; Easson, Straf 3; Klose, Merr 8; Morneau, Coos 4; Plifka, Ches 4; C. Brown, Carr 1; B. Francoeur, Hills 26; Mead, Hills 4; Goley, Hills 8; Baroody, Hills 13; Chandler, Carr 1; Kennedy, Merr 4; Hofemann, Straf 6; Hagan, Hills 17; Maybeck, Graf 8; Reeves, Hills 8; Ober, Hills 27; Bergeron, Hills 27; Lawrence, Hills 27; Crane, Hills 21; McKinney, Rock 3; Lund, Rock 5; Cady, Rock 1; McRae, Hills 7; Schmidt, Straf 4; Buxton, Rock 10; Gallus, Dist 1; Boyce, Dist 4; Roberge, Dist 9; Letourneau, Dist 19; Clegg, Dist 14; Barnes, Dist 17: Judiciary)

HB 1355, permitting the use of certain campers or recreational vehicles in manufactured housing parks. (Belanger, Rock 4; Gibson, Hills 19; Wells, Rock 8: Commerce)

HB 1356, relative to on-board diagnostic system inspections. (Dickinson, Carr 1; Kennedy, Merr 4; Gallus, Dist 1; Kenney, Dist 3: Transportation)

HB 1357, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee. (Dickinson, Carr 1; Keans, Straf 1; Bergin, Hills 6; King, Coos 1; Welch, Rock 8; D'Allesandro, Dist 20: Legislative Administration)

HB 1358, establishing an investigatory commission for unethical conduct in state government. (Buzzell, Coos 4: Executive Departments and Administration)

HB 1359-FN, establishing a committee to study case management responsibility for certain elderly and adult services. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs)

HB 1360-FN-L, relative to law enforcement accounts in the regional electronic toll collection system. (R. L'Heureux, Hills 19; Batula, Hills 19; N. Elliott, Hills 19; Hinkle, Hills 19; Mooney, Hills 19; Roberge, Dist 9; Gottesman, Dist 12; Green, Dist 6; Martel, Dist 18: Public Works and Highways)

HB 1361, relative to the penalty for shoplifting. (Winchell, Rock 6; Oliver, Merr 9; Berube, Straf 2: Criminal Justice and Public Safety)

HB 1362, relative to permitting audio and video recording on school buses. (Winchell, Rock 6; S. L'Heureux, Merr 9; Knowles, Straf 6; Movsesian, Hills 22; Martel, Dist 18; Letourneau, Dist 19; Morse, Dist 22: Education)

HB 1363, relative to financial statements used to determine child support obligations. (Jennifer Brown, Straf 5; Flockhart, Rock 13; Grassie, Straf 1: Children and Family Law)

HB 1364, establishing a commission to study the best use and possible transfer of certain state-owned land in the town of Brentwood. (Buxton, Rock 10; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Nowe, Rock 9; Weyler, Rock 8; Barnes, Dist 17; Hassan, Dist 23: Public Works and Highways)

- HB 1365**, relative to public pooled risk management. (Snyder, Straf 2; Stone, Rock 1; R. Wheeler, Hills 7; King, Coos 1; Yeaton, Merr 8; Green, Dist 6: Commerce)
- HB 1366**, relative to a planning board's authority to require public access to open space as a condition of subdivision approval. (W.P. Campbell, Straf 3: Municipal and County Government)
- HB 1367**, prohibiting vehicle number plate covers that obscure the plate numbers. (Morris, Rock 14: Transportation)
- HB 1368**, requiring elementary school instruction in proverbs. (Morris, Rock 14: Education)
- HB 1369**, relative to the posting of signs restricting the bearing of arms. (Bicknell, Rock 1; Kennedy, Merr 4; Cataldo, Straf 3: Criminal Justice and Public Safety)
- HB 1370**, transferring certain surplus moneys to the revenue stabilization reserve account. (Major, Rock 8; O'Neil, Rock 15; King, Coos 1; Whalley, Belk 5; Kurk, Hills 7; Morse, Dist 22; Clegg, Dist 14; D'Allesandro, Dist 20; Barnes, Dist 17; Eaton, Dist 10: Finance)
- HB 1371**, relative to requiring approval for extended absences for elected county officers. (Babson, Carr 3: Municipal and County Government)
- HB 1372**, establishing a committee to study affordable and accessible health care services for all uninsured citizens of New Hampshire. (Morris, Rock 14: Commerce)
- HB 1373**, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. (Philbrick, Carr 2; Patten, Carr 4; Johnson, Dist 2: Environment and Agriculture)
- HB 1374**, establishing a committee to require personal information holders to disclose a security breach. (Ryan, Merr 2: Commerce)
- HB 1376**, relative to the duties of the legislative oversight committee on electric utility restructuring. (Ryan, Merr 2; Burling, Dist 5: Science, Technology and Energy)
- HB 1377**, relative to certain mandatory minimum sentences. (Knowles, Straf 6; Pantelakos, Rock 16; Charron, Rock 7; Hammond, Graf 11; Green, Dist 6; Gallus, Dist 1: Criminal Justice and Public Safety)
- HB 1378**, establishing a committee to study the financial implications on local school districts when special education students attend charter schools. (Casey, Rock 11; Stiles, Rock 15: Education)
- HB 1379**, relative to the investment of trust funds. (Shattuck, Hills 1: Municipal and County Government)
- HB 1380**, establishing the New Hampshire forensic science oversight commission. (Hammond, Graf 11; Ulery, Hills 27: Criminal Justice and Public Safety)
- HB 1381**, requiring the department of environmental services to do a criminal background check on any applicant for a permit. (Owen, Merr 4; Phinizy, Sull 5: Executive Departments and Administration)
- HB 1382**, regulating the disclosure of personal information. (Kurk, Hills 7; Dokmo, Hills 6; M. Smith, Straf 7; Mirski, Graf 10; Letourneau, Dist 19: Judiciary)
- HB 1383-L**, defining deconstruction for purposes of solid waste management. (Tupper, Merr 6; E. Blanchard, Merr 10; Cloutier, Sull 4; Dickinson, Carr 1; Larsen, Dist 15; Estabrook, Dist 21; Burling, Dist 5: Science, Technology and Energy)
- HB 1384**, relative to standardizing the format for special education budgets. (Mead, Hills 4; Rowe, Hills 6; O'Neil, Rock 15: Education)
- HB 1385**, relative to nomination papers and the definition of "party." (Bicknell, Rock 1; Cady, Rock 1; Mirski, Graf 10; Ingbreton, Graf 5; Kennedy, Merr 4: Election Law)
- HB 1386**, relative to exceptions to the prohibition on carrying and selling knives. (Bicknell, Rock 1; Cady, Rock 1; Welch, Rock 8; Itse, Rock 9; Kennedy, Merr 4; Clegg, Dist 14; Boyce, Dist 4: Criminal Justice and Public Safety)
- HB 1387**, relative to emergency management powers of the governor concerning medical and health care professionals from other jurisdictions. (Bicknell, Rock 1; Kennedy, Merr 4: Criminal Justice and Public Safety)
- HB 1388**, relative to tenant security deposits and termination of tenancy. (Bicknell, Rock 1; Cady, Rock 1; Kennedy, Merr 4: Judiciary)
- HB 1389**, relative to firearms in locked vehicles. (Bicknell, Rock 1; Cady, Rock 1; Welch, Rock 8; Dickinson, Carr 1; Itse, Rock 9; Clegg, Dist 14: Criminal Justice and Public Safety)
- HB 1390**, relative to official oppression. (Bicknell, Rock 1; Itse, Rock 9; Kennedy, Merr 4; Villeneuve, Hills 18: Criminal Justice and Public Safety)
- HB 1391**, relative to the default budget in official ballot towns. (Weyler, Rock 8; Asselin, Rock 7; N. Johnson, Straf 3; Gallus, Dist 1: Municipal and County Government)

HB 1392, relative to school budget committee membership. (Weyler, Rock 8; Welch, Rock 8; J. Flanders, Rock 8; Hassan, Dist 23; Barnes, Dist 17: Municipal and County Government)

HB 1393, requiring horse owners to inoculate horses against eastern equine encephalitis. (Morris, Rock 14; Weyler, Rock 8; Welch, Rock 8: Environment and Agriculture)

HB 1394, relative to determination of value of property in current use. (Dickinson, Carr 1; Merrow, Carr 3; Babson, Carr 3; Phinizy, Sull 5; Kenney, Dist 3; Burling, Dist 5: Environment and Agriculture)

HB 1395, relative to public drinking water protection. (M. Martin, Hills 26; Crane, Hills 21; Balboni, Hills 21; Spang, Straf 7; Hall, Hills 5; Dickinson, Carr 1; Johnson, Dist 2: Resources, Recreation and Development)

HB 1396, relative to competency of juvenile offenders. (Knowles, Straf 6; B. Richardson, Ches 5; Tholl, Coos 2; Roberge, Dist 9; Foster, Dist 13; Fuller Clark, Dist 24; Burling, Dist 5: Children and Family Law)

HB 1397, prohibiting an agency from adopting rules over the objection of the joint legislative committee on administrative rules. (Kennedy, Merr 4: Executive Departments and Administration)

HB 1398, relative to titles for motor vehicles of a certain age. (Hagan, Hills 17; Cady, Rock 1; Dumaine, Rock 3; Gibson, Hills 19; Slocum, Hills 6: Transportation)

HB 1399, relative to the compensation paid to directors or officers of a charitable trust. (Hagan, Hills 17; Cady, Rock 1: Commerce)

HB 1401, exempting certain all terrain vehicle (ATV) and trail bike trail criteria from the change in use designation of rail trails. (B. Richardson, Ches 5; Drisko, Hills 5; Spang, Straf 7: Resources, Recreation and Development)

HB 1402, defining "occupant" for purposes of liability for construction or maintenance of recreational trails. (Stohl, Coos 1; King, Coos 1; Chandler, Carr 1; Merrow, Carr 3; Bridle, Rock 15; Gallus, Dist 1; Flanders, Dist 7: Resources, Recreation and Development)

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot. (Itse, Rock 9; Rowe, Hills 6; Hopfgarten, Rock 5: Election Law)

HB 1404, relative to breach of security of computerized personal information. (Stepanek, Hills 6; Lasky, Hills 26; Mooney, Hills 19: Commerce)

HB 1405, relative to the schedule for the adoption, revision, and amendment of municipal charters. (Brundige, Hills 19; Dowd, Rock 5; L. Brown, Straf 3; Gale, Sull 3: Municipal and County Government)

HB 1406-FN, adding to the penalty provisions of the controlled drug act and relative to fines for violations of the controlled drug act. (Hinkle, Hills 19; Mooney, Hills 19; Danforth, Merr 6; Albert, Straf 1: Criminal Justice and Public Safety)

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. (Drisko, Hills 5; R. Cooney, Rock 4; Brueggemann, Merr 12; Hinkle, Hills 19; Russell, Belk 6: Resources, Recreation and Development)

HB 1408-FN, allowing reserve and national guard members returning to New Hampshire after full-time active duty to take courses tuition free at any community-technical institute or college. (Baroody, Hills 13: Education)

HB 1409-FN, relative to organ and tissue donation. (MacKay, Merr 11; Rush, Merr 7; Batula, Hills 19; Pilliod, Belk 5; C. Chase, Hills 2; Fuller Clark, Dist 24; Kenney, Dist 3; Martel, Dist 18: Health, Human Services and Elderly Affairs)

HB 1410-FN-L, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. (Dickinson, Carr 1; Patten, Carr 4; Babson, Carr 3; Phinizy, Sull 5; Stevens, Carr 4; Gallus, Dist 1; Boyce, Dist 4; Larsen, Dist 15; Green, Dist 6; Hassan, Dist 23: Criminal Justice and Public Safety)

HB 1411-FN, reducing certain fines for motor vehicle violations and repealing the surcharge on entry fees for small claims actions and the district court mediation fund. (Vaillancourt, Hills 15; Biundo, Hills 15; Mirski, Graf 10: Judiciary)

HB 1412-FN, establishing a remedy for failing to file a copy of the annual town report with the department of education. (Marple, Merr 9; L. Christiansen, Hills 27; Buhlman, Hills 27: Education)

HB 1413-FN, relative to daylight saving time. (Schmidt, Straf 4: Commerce)

HB 1414-FN, relative to the protection of personal information by mandatory notice of security breach. (Maxfield, Merr 6; Cataldo, Straf 3: Commerce)

HB 1415-FN-A, establishing the office of corrections ombudsman. (Gilbert, Rock 12; Tholl, Coos 2; Dowling, Rock 5; Weyler, Rock 8; Welch, Rock 8: Executive Departments and Administration)

HB 1416-FN-A, relative to the promotion, acquisition, and retention of a large animal veterinarian in the north country, and making an appropriation therefor. (Babson, Carr 3; Wells, Rock 8: Environment and Agriculture)

HB 1417-FN, establishing gold star number plates. (Bettencourt, Rock 4; Renzullo, Hills 27; Merrick, Coos 2: Transportation)

HB 1418-FN, relative to road toll refunds. (D. L. Christensen, Hills 19; Drisko, Hills 5; Hinkle, Hills 19; Brueggemann, Merr 12; B. Richardson, Ches 5; Johnson, Dist 2: Ways and Means)

HB 1419-FN, relative to mandatory mediation in divorce proceedings. (Nowe, Rock 9; Marshall Quandt, Rock 13; Buxton, Rock 10; Dokmo, Hills 6: Children and Family Law)

HB 1420-FN, prohibiting remote control and Internet hunting. (Nowe, Rock 9; R. L'Heureux, Hills 19; Bicknell, Rock 1; Reed, Merr 2; Gallus, Dist 1; Roberge, Dist 9: Fish and Game)

HB 1421-FN, relative to campaign contributions and expenditures. (Splaine, Rock 16; Weed, Ches 3; C. Chase, Hills 2; Clemons, Hills 24; Harvey, Hills 21: Election Law)

HB 1422-FN, relative to the death penalty. (Splaine, Rock 16; DiFruscia, Rock 4; Powers, Rock 16; Pilliod, Belk 5: Criminal Justice and Public Safety)

HB 1423-FN, relative to prorating the initial registration fee for off highway recreational vehicles. (King, Coos 1; Stohl, Coos 1; H. Richardson, Coos 2; Gallus, Dist 1: Fish and Game)

HB 1424, relative to persons permitted to attend child abuse and neglect hearings. (Gargas, Hills 5; Gile, Merr 10; Itse, Rock 9; Roberge, Dist 9; Gallus, Dist 1: Children and Family Law)

HB 1425, establishing a commission to study the efficacy of current laws in reducing exposure of children to lead hazards. (DeVries, Hills 15; Marshall Quandt, Rock 13; Langley, Rock 18; DeJoie, Merr 11; D'Allesandro, Dist 20; Hassan, Dist 23: Science, Technology and Energy)

HB 1426, granting a right-of-way over and a license to use certain parcels of state-owned land. (Bouchard, Merr 11; Brueggemann, Merr 12; MacKay, Merr 11; Reardon, Merr 11: Public Works and Highways)

HB 1427, relative to the principles for developmentally disabled services. (Butcher, Ches 3; J. Garrity, Rock 6; Hogancamp, Ches 4; Green, Dist 6; Hassan, Dist 23: Health, Human Services and Elderly Affairs)

HB 1428, relative to the duties of the advisory committee on the education of children/students with disabilities. (Hagan, Hills 17; Naro, Graf 7; Carson, Rock 3; Claire Clarke, Merr 6: Education)

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. (Whalley, Belk 5; Knox, Carr 4; Patten, Carr 4; Eaton, Dist 10; D'Allesandro, Dist 20; Letourneau, Dist 19: Environment and Agriculture)

HB 1430, allowing cities, towns, and counties to adopt an October 1 fiscal year. (D. L. Christensen, Hills 19; Brundige, Hills 19; Graham, Hills 18; Roberge, Dist 9: Municipal and County Government)

HB 1431, relative to air permit applications. (Kennedy, Merr 4: Science, Technology and Energy)

HB 1432, establishing a commission on special education funding. (Kennedy, Merr 4; Boyce, Belk 5: Education)

HB 1433, establishing a committee to study secured landfills. (Kennedy, Merr 4: Environment and Agriculture)

HB 1434, establishing a study committee to investigate municipal tax exemptions for nursing homes. (Soltani, Merr 8; Langlais, Merr 8; Clegg, Dist 14: Municipal and County Government)

HB 1435, relative to the emergency plan for service dogs and other animals. (Crane, Hills 21; Morrison, Belk 2; J. Tilton, Merr 6: Criminal Justice and Public Safety)

HB 1436-L, authorizing municipal and county biennial budgets for a 24-month period. (Biundo, Hills 15; Infantine, Hills 13; Reeves, Hills 8; Hebert, Hills 17: Municipal and County Government)

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. (Ingbreton, Graf 5: State-Federal Relations and Veterans Affairs)

HB 1438-FN, relative to mandatory recycling of solid waste. (Kennedy, Merr 4: Environment and Agriculture)

HB 1439, relative to petitioned zoning ordinance amendments. (D. Campbell, Hills 24: Municipal and County Government)

HB 1440, prohibiting the sale of certain pets. (J. Tilton, Merr 6; Butynski, Ches 4; Claire Clarke, Merr 6; Crane, Hills 21: Commerce)

HB 1441, relative to the procedure for amending a municipal charter. (Biundo, Hills 15; Infantine, Hills 13; Reeves, Hills 8; Hebert, Hills 17: Municipal and County Government)

- HB 1442**, relative to identifying legislative enactments as public policy. (Marple, Merr 9; L. Christiansen, Hills 27; Itse, Rock 9; Buhlman, Hills 27; Legislative Administration)
- HB 1443**, relative to priorities for development of all terrain (ATV) and trail bike trails. (Spang, Straf 7; Drisko, Hills 5; B. Richardson, Ches 5; Pratt, Ches 2; Dickinson, Carr 1; Barnes, Dist 17: Resources, Recreation and Development)
- HB 1444**, relative to definitions under the real estate transfer tax. (Major, Rock 8; D'Allesandro, Dist 20: Ways and Means)
- HB 1445**, relative to including "none of the above" on official ballot budgetary questions. (Dumaine, Rock 3; Hagan, Hills 17: Municipal and County Government)
- HB 1446**, establishing requirements for the development of a regional all terrain vehicle (ATV) park in the city of Berlin. (P. McMahon, Merr 3; Abbott, Rock 12; Cilley, Straf 3: Resources, Recreation and Development)
- HB 1447**, requiring a New Hampshire bank to credit a customer's account within 24 hours of notification that a check is good. (Dickinson, Carr 1; Marshall Quandt, Rock 13; Merrow, Carr 3; Kenney, Dist 3; Gallus, Dist 1: Commerce)
- HB 1448**, relative to the applicability of drivers' license revocations for drugs or alcohol involvement. (Knowles, Straf 6; Welch, Rock 8; Movsesian, Hills 22; Tholl, Coos 2; Estabrook, Dist 21; Letourneau, Dist 19; Green, Dist 6: Transportation)
- HB 1449-FN-L**, requiring a reduced property assessment when a building is damaged. (Lasky, Hills 26: Municipal and County Government)
- HB 1451-FN-L**, requiring a prorated assessment of new construction in the year completed. (Lasky, Hills 26: Municipal and County Government)
- HB 1452-FN**, requiring insurance coverage for the cost of testing for bone marrow donation. (N. Johnson, Straf 3; Rosenwald, Hills 22; Langley, Rock 18; Marshall Quandt, Rock 13; Foster, Dist 13; Gottesman, Dist 12: Commerce)
- HB 1453-FN**, relative to fireworks. (L. Christiansen, Hills 27: Criminal Justice and Public Safety)
- HB 1454-FN**, relative to delivery sales of cigarettes. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Nowe, Rock 9; Johnson, Dist 2: Commerce)
- HB 1455-FN-A**, relative to the recovery, reuse, and recycling of used electronic devices. (Butcher, Ches 3; Babson, Carr 3; O'Connell, Hills 6: Environment and Agriculture)
- HB 1456-FN**, relative to licensure of septic system inspectors. (R. Cooney, Rock 4; Chaplin, Straf 3: Executive Departments and Administration)
- HB 1457-FN-A-L**, establishing an electricity transmission utility property tax. (Kurk, Hills 7; Weyler, Rock 8; Spang, Straf 7; Norelli, Rock 16; Odell, Dist 8; Larsen, Dist 15: Ways and Means)
- HB 1458-FN**, relative to the regulation of landscape architects. (Bergin, Hills 6; Dokmo, Hills 6; F. Sullivan, Hills 12; Harding, Graf 11; Martel, Dist 18; Roberge, Dist 9; Fuller Clark, Dist 24; Kenney, Dist 3; D'Allesandro, Dist 20: Executive Departments and Administration)
- HB 1459-FN-A**, relative to the department of regional community-technical colleges and making an appropriation therefor. (Weyler, Rock 8; Hager, Merr 12; M. Smith, Straf 7; Ryan, Merr 2; Johnson, Dist 2; Larsen, Dist 15; Green, Dist 6; D'Allesandro, Dist 20: Finance)
- HB 1460-FN-A**, establishing a deduction against the business profits tax. (Jasper, Hills 27: Ways and Means)
- HB 1461**, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. (Wallner, Merr 12; MacKay, Merr 11; Emerton, Hills 7; Schulze, Hills 26; Barnes, Dist 17; Estabrook, Dist 21: Health, Human Services and Elderly Affairs)
- HB 1462-FN-L**, placing a temporary moratorium on the issue of certain water permits. (Cilley, Straf 3; Keans, Straf 1; Cataldo, Straf 3; Spang, Straf 7; Hassan, Dist 23; Estabrook, Dist 21: Resources, Recreation and Development)
- HB 1463-FN**, relative to boating and water safety. (D.L. Christensen, Hills 19; Russell, Belk 6; Currier, Merr 5; Johnson, Dist 2; Gallus, Dist 1: Resources, Recreation and Development)
- HB 1464-FN-A-L**, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. (MacKay, Merr 11; Gorman, Hills 23; Pilliod, Belk 5; Batula, Hills 19; Emerton, Hills 7; Dalrymple, Rock 4; Morse, Dist 22; Martel, Dist 18; Hassan, Dist 23: Health, Human Services and Elderly Affairs)
- HB 1465-FN**, relative to food stamp overpayments. (Donovan, Sull 4; Rosenwald, Hills 22: Health, Human Services and Elderly Affairs)

HB 1466-FN, relative to registration of slow-moving vehicles. (Babson, Carr 3: Transportation)
HB 1467-FN, requiring the registration of drug offenders. (Hinkle, Hills 19; Cataldo, Straf 3; Kennedy, Merr 4; Mooney, Hills 19: Criminal Justice and Public Safety)

HB 1468-FN-L, relative to Reservoir Road in the town of Deering. (Adams, Hills 2: Public Works and Highways)

HB 1469-FN, requiring hospitals to make the price of certain common procedures available to the public. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Fuller Clark, Dist 24: Commerce)

HB 1470, relative to overweight vehicle permit fees. (Graham, Hills 18; Cloutier, Sull 4; Dyer, Hills 26; Waterhouse, Rock 4; Benn, Graf 9: Transportation)

HB 1471-FN, repealing the statutes relative to regional highway conferences. (Rausch, Rock 5; Cloutier, Sull 4; Buco, Carr 1; F. Tilton, Belk 4; Gionet, Graf 3; Morse, Dist 22; Hassan, Dist 23; Johnson, Dist 2: Public Works and Highways)

HB 1472-FN-A, establishing a home energy assistance program in the department of health and human services and making an appropriation therefor. (Kurk, Hills 7; Hager, Merr 12; Batula, Hills 19; Wendelboe, Belk 1; Martel, Dist 18: Health, Human Services and Elderly Affairs)

HB 1473-FN-A, temporarily reducing the road toll. (Hagan, Hills 17; Souza, Hills 11: Ways and Means)

HB 1474-FN, relative to unemployment compensation contribution rates and benefits. (Bridle, Rock 15; Infantine, Hills 13; Bishop, Rock 2; Mirski, Graf 10; Kenney, Dist 3; Fuller Clark, Dist 24; Larsen, Dist 15: Labor, Industrial and Rehabilitative Services)

HB 1476, relative to electronic tracking and monitoring of sexual offenders. (Pantelakos, Rock 16; Villeneuve, Hills 18: Criminal Justice and Public Safety)

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004. (Pepino, Hills 11: State-Federal Relations and Veterans Affairs)

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. (Infantine, Hills 13; Bishop, Rock 2; Bridle, Rock 15: Labor, Industrial and Rehabilitative Services)

HB 1479, relative to debris and solid waste removal at manufactured housing parks. (Phinizy, Sull 5; Ferland, Sull 5; Odell, Dist 8; Fuller Clark, Dist 24: Environment and Agriculture)

HB 1480, amending the provisions relative to registration of criminal offenders. (Knowles, Straf 6; Gilbert, Rock 12; Tholl, Coos 2; Movsesian, Hills 22; Naro, Graf 7: Criminal Justice and Public Safety)

HB 1481, establishing a moratorium period for lobbying by certain state officers. (P. Sullivan, Hills 10; Splaine, Rock 16: Election Law)

HB 1482, relative to false information provided in connection with registering a motor vehicle belonging to a foreign national. (Renzullo, Hills 27; Buhlman, Hills 27; Ulery, Hills 27; Villeneuve, Hills 18: Criminal Justice and Public Safety)

HB 1483, authorizing vehicle licensing, title, and registration recovery fees by motor vehicle rental companies. (Packard, Rock 3: Commerce)

HB 1484, relative to including motorcycle safety in driver education courses. (Packard, Rock 3; Letourneau, Dist 19: Transportation)

HB 1485, establishing a commission to study the feasibility of forming self-insurance groups for medical malpractice. (Mitchell, Ches 7; Morrison, Belk 2; W. Chase, Ches 1; Miller, Straf 7: Commerce)

HB 1486, relative to the definition of "moped." (Thomas, Belk 5: Transportation)

HB 1487, relative to marriage licenses. (Scanlon, Hills 18; Graham, Hills 18; Hawkins, Hills 18: Municipal and County Government)

HB 1488, establishing a committee to study regulation of employers' self-insured group health plans. (Jennifer Brown, Straf 5; Marshall Quandt, Rock 13: Commerce)

HB 1489, relative to school emergency response plans. (Hammond, Graf 11: Education)

HB 1490, relative to procedures on ethics violations by legislators. (Owen, Merr 4: Election Law)

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. (Owen, Merr 4: Resources, Recreation and Development)

HB 1492, granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill. (Hunter, Hills 7; Hagan, Hills 17; McRae, Hills 7; Souza, Hills 11; Pepino, Hills 11; Roberge, Dist 9: Judiciary)

HB 1493, declaring that groundwater is part of the public trust. (Spang, Straf 7; Cilley, Straf 3; Phinizy, Sull 5; Powers, Rock 16; Green, Dist 6; Burling, Dist 5; Johnson, Dist 2; Larsen, Dist 15; Fuller Clark, Dist 24: Resources, Recreation and Development)

HB 1494, relative to public use of groundwater. (Tupper, Merr 6; Dickinson, Carr 1; Powers, Rock 16; N. Johnson, Straf 3; Abbott, Rock 12; Johnson, Dist 2: Resources, Recreation and Development)

HB 1495, relative to setback requirements for landfills located near rivers. (Tupper, Merr 6; Dickinson, Carr 1; Babson, Carr 3; Powers, Rock 16; Hassan, Dist 23; Johnson, Dist 2: Resources, Recreation and Development)

HB 1496, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (J. Wheeler, Hills 6; Souza, Hills 11; Field, Merr 7; Kenney, Dist 3; Bragdon, Dist 11; Barnes, Dist 17: Labor, Industrial and Rehabilitative Services)

HB 1497-L, assessing a fine against a school superintendent for late filings of school enrollment information. (W. P. Campbell, Straf 3: Education)

HB 1498, establishing a risk management unit within the department of administrative services. (Coburn, Rock 4: Executive Departments and Administration)

HB 1499, relative to the oversight committee on health and human services. (Coburn, Rock 4; Martel, Dist 18: Health, Human Services and Elderly Affairs)

HB 1501, making various changes to the lottery commission. (Rep. Weyler, Rock 8; Rep. Hinkle, Hills 19; Rep. Jasper, Hills 27; Rep. Wells, Rock 8: Executive Departments and Administration)

HB 1502, relative to the use of surplus funds from the education trust fund. (Weyler, Rock 8; W. P. Campbell, Straf 3; Carson, Rock 3; Balboni, Hills 21; Boyce, Belk 5: Education)

HB 1503, relative to financial programs administered by the postsecondary education commission. (King, Coos 1; Morse, Dist 22: Executive Departments and Administration)

HB 1504-L, establishing a committee to study reimbursing towns for emergency services on interstate highways. (P. McMahon, Merr 3: Finance)

HB 1505, relative to private actions under the consumer protection act. (Hunt, Ches 7: Judiciary)

HB 1506, requiring children 12 years of age or under to wear personal flotation devices. (D. Campbell, Hills 24; Rodeschin, Sull 2; Dickinson, Carr 1: Resources, Recreation and Development)

HB 1507, requiring the department of environmental services to report on and make recommendations on global warming issues in New Hampshire. (Ryan, Merr 2; Harvey, Hills 21; Burling, Dist 5: Science, Technology and Energy)

HB 1508, relative to acceptance of applications by planning boards. (Patten, Carr 4: Municipal and County Government)

HB 1509, relative to campaign expenditures for the office of governor. (Coburn, Rock 4: Election Law)

HB 1510, relative to leave of absences to serve as a legislator. (Cali-Pitts, Rock 16: Labor, Industrial and Rehabilitative Services)

HB 1511, relative to business replacement costs resulting from government program displacement. (Wendelboe, Belk 1: Judiciary)

HB 1512, relative to civil liability for volunteers. (Rodeschin, Sull 2; Wendelboe, Belk 1; Wallner, Merr 12; Ingram, Rock 4; Theberge, Coos 4; Odell, Dist 8; Flanders, Dist 7; Gallus, Dist 1: Judiciary)

HB 1513, requiring legislative approval for changes to the purpose of a special corporation. (Hagan, Hills 17; Cady, Rock 1: Commerce)

HB 1514-FN-A, relative to the business enterprise tax credit allowed against the business profits tax. (Lasky, Hills 26; C. Hamm, Merr 4: Ways and Means)

HB 1515-FN-A, increasing the tobacco tax and dedicating certain tobacco tax revenues to the tobacco use prevention fund. (Almy, Graf 11; Pilliod, Belk 5; Naro, Graf 7: Ways and Means)

HB 1516, relative to the modification and enforcement of child support orders. (Slocum, Hills 6; Bickford, Straf 3: Children and Family Law)

HB 1517-FN, relative to membership on the board of medicine and the medical review subcommittee. (Bergin, Hills 6; C. Robertson, Rock 13; Dokmo, Hills 6; Clegg, Dist 14: Executive Departments and Administration)

HB 1518, relative to the joint board of a school administrative unit. (Bergin, Hills 6; Dokmo, Hills 6: Education)

HB 1519, relative to all-terrain vehicle and trail bike trails. (B. Richardson, Ches 5; Drisko, Hills 5; Spang, Straf 7; Rush, Merr 7: Resources, Recreation and Development)

HB 1520, requiring certain information in the financial reports of counties. (Dokmo, Hills 6: Municipal and County Government)

HB 1521, requiring the appointment of alternate members to the juvenile parole board. (Itse, Rock 9: Executive Departments and Administration)

HB 1522, relative to extended authority for law enforcement assistance. (Itse, Rock 9: Criminal Justice and Public Safety)

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services. (Patten, Carr 4: Resources, Recreation and Development)

HB 1524, relative to regulation of dog training by the fish and game department. (Reed, Merr 2: Fish and Game)

HB 1525, relative to the safety of school bus stops. (C. Hamm, Merr 4; Owen, Merr 4; Walz, Merr 13; French, Merr 5; Scanlon, Hills 18; Flanders, Dist 7: Education)

HB 1526, relative to the composition of the medical review subcommittee of the medical review board. (Baroody, Hills 13; French, Merr 5: Executive Departments and Administration)

HB 1527, allowing municipalities to establish local community services and care planning boards. (Hager, Merr 12; Essex, Hills 1; Wallner, Merr 12; French, Merr 5; Butynski, Ches 4: Municipal and County Government)

HB 1528, establishing a committee to study the adequacy of consumer protection laws in New Hampshire. (Hager, Merr 12: Commerce)

HB 1529, establishing a committee to study the implementation and use of growth management ordinances. (Patten, Carr 4: Municipal and County Government)

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place. (Chandler, Carr 1; Clegg, Dist 14: Public Works and Highways)

HB 1531, establishing a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program. (Ross, Hills 3: Science, Technology and Energy)

HB 1532, revising the special education statutes. (S. L'Heureux, Merr 9; Snyder, Straf 2: Education)

HB 1533, relative to services provided by manufacturers and distributors of beer to beer retailers. (Hinkle, Hills 19: Commerce)

HB 1534, relative to maintaining construction and demolition debris as a solid waste. (Hamm, Merr 4; Butynski, Ches 4; Fuller Clark, Dist 24; Larsen, Dist 15: Environment and Agriculture)

HB 1535, relative to best available control technology rules. (C. Hamm, Merr 4; Butynski, Ches 4; Fuller Clark, Dist 24: Science, Technology and Energy)

HB 1536, relative to bonds required from persons excavating or disturbing certain highways. (Stohl, Coos 1; Johnson, Dist 2: Public Works and Highways)

HB 1537, relative to the procedure for resolving disputes regarding construction defects between homeowners and contractors. (Wall, Straf 7; Shurtleff, Merr 10: Commerce)

HB 1538, relative to penalties for toll evasion. (O'Neil, Rock 15: Criminal Justice and Public Safety)

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist. (Naro, Graf 7; Claire Clarke, Merr 6; Rush, Merr 7; Hagan, Hills 17; W. P. Campbell, Straf 3; Hassan, Dist 23: Education)

HB 1540, establishing a committee to study the implementation of the regional electronic toll collection system. (Boyce, Belk 5: Public Works and Highways)

HB 1541, requiring applicants for large groundwater withdrawal permits to comply with local ordinances. (Cilley, Straf 3; Keans, Straf 1; Cataldo, Straf 3; Spang, Straf 7; Estabrook, Dist 21; Hassan, Dist 23: Resources, Recreation and Development)

HB 1542, relative to responsible drug advertising. (DeJoie, Merr 11; Harvey, Hills 21; Marshall Quandt, Rock 13; Harding, Graf 11: Commerce)

HB 1543, relative to protections for temporary workers. (DeJoie, Merr 11: Labor, Industrial and Rehabilitative Services)

HB 1544, establishing a committee to study the propriety of a university of New Hampshire employee working in and being paid by the governor's office. (Boyce, Belk 5; Mirski, Graf 10: Election Law)

HB 1545, requiring mediation as part of participation in a juvenile diversion program. (Morrison, Belk 2: Children and Family Law)

HB 1546, establishing a committee to study the application of the patients' bill of rights to all licensed health practitioners and their facilities. (Hunt, Ches 7; Hagan, Hills 17: Health, Human Services and Elderly Affairs)

HB 1547, clarifying what constitutes physical presence for purposes of establishing domicile under the election laws. (O'Brien, Hills 4; O'Neil, Rock 15; Price, Hills 26; Mirski, Graf 10; Roberge, Dist 9; Clegg, Dist 14: Election Law)

HB 1548, relative to termination of tenancy. (O'Brien, Hills 4; O'Neil, Rock 15; Mirski, Graf 10; Whalley, Belk 5; Wendelboe, Belk 1; Roberge, Dist 9; Eaton, Dist 10: Judiciary)

HB 1549, excluding certain acts based on bona fide economic and public safety considerations from the prohibition against age discrimination in public accommodations. (O'Brien, Hills 4; O'Neil, Rock 15; Mirski, Graf 10; Roberge, Dist 9: Commerce)

HB 1551, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators. (Tupper, Merr 6; Cloutier, Sull 4; Bouchard, Merr 11; E. Blanchard, Merr 10; Powers, Rock 16; Hassan, Dist 23: Environment and Agriculture)

HB 1552, relative to the authority of land surveyors to enter onto land to make surveys. (O'Neil, Rock 15; Johnson, Dist 2: Judiciary)

HB 1553, relative to electioneering. (Kennedy, Merr 4: Election Law)

HB 1554, relative to the amount paid for property in eminent domain. (Kennedy, Merr 4: Judiciary)

HB 1555, establishing a commission to investigate cost drivers in providing health care. (MacKay, Merr 11; S. Francoeur, Rock 15; Pilliod, Belk 5; Rosenwald, Hills 22; Hogancamp, Ches 4; Estabrook, Dist 21; Kenney, Dist 3; Fuller Clark, Dist 24; Martel, Dist 18; D'Allesandro, Dist 20: Commerce)

HB 1556, relative to the disclosure of certain financial documents filed with the probate court. (MacKay, Merr 11; Harding, Graf 11: Judiciary)

HB 1557, establishing guidelines for leaving children home alone and establishing babysitter age guidelines. (L. Christiansen, Hills 27; Marple, Merr 9: Children and Family Law)

HB 1558, relative to regulation of smoking by cities and towns. (Pilliod, Belk 5; Stohl, Coos 1; Emerson, Ches 7: Municipal and County Government)

HB 1559, relative to training requirements for barbers, cosmetologists, manicurists, and estheticians. (Hopfgarten, Rock 5: Executive Departments and Administration)

HB 1560, shortening the enforcement period for a restraining order against one's spouse. (Cady, Rock 1; Bicknell, Rock 1: Judiciary)

HB 1561, relative to equal treatment for fathers in the determination of parental rights and responsibilities. (Cady, Rock 1; Itse, Rock 9; Dumaine, Rock 3: Children and Family Law)

HB 1562, relative to fertility insurance coverage for out-of-state coverage holders who are living in New Hampshire. (Crane, Hills 21; J. Tilton, Merr 6: Commerce)

HB 1563, establishing a committee to study the effects of immigration on the social services system. (Rosen, Belk 4; Renzullo, Hills 27; Villeneuve, Hills 18; Ober, Hills 27; Fitzgerald, Belk 4; Johnson, Dist 2: Health, Human Services and Elderly Affairs)

HB 1564, prohibiting mandatory tip charges for small parties. (Rosen, Belk 4: Labor, Industrial and Rehabilitative Services)

HB 1565, relative to evictions in cases involving incidents of domestic violence. (Morrison, Belk 2; J. Tilton, Merr 6; Julie Brown, Straf 1: Judiciary)

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes. (O'Neil, Rock 15: Election Law)

HB 1567, relative to removing names from the checklist. (O'Neil, Rock 15: Election Law)

HB 1568, establishing a committee to study the siting and construction of industrial wind energy facilities. (Ward, Graf 1; Phinizy, Sull 5; Remick, Coos 2; Powers, Rock 16: Science, Technology and Energy)

HB 1569, relative to trust protectors, trust advisors, and directed trusts. (Moran, Hills 18; Dowling, Rock 5: Judiciary)

HB 1570, relative to health insurance coverage for part-time college students. (Moran, Hills 18; Dowling, Rock 5; M. Smith, Straf 7; Gile, Merr 10; Estabrook, Dist 21: Commerce)

HB 1571, relative to reports of legislative standing committees on environmental legislation and relative to the adoption of rules concerning environmental regulation. (Moran, Hills 18; Itse, Rock 9; Dowling, Rock 5: Environment and Agriculture)

HB 1572, establishing a commission to study the mission and organization of the fish and game department. (Craig, Hills 9; Dickinson, Carr 1; Abbott, Rock 12: Executive Departments and Administration)

HB 1573, establishing a committee to study the scheduling and conduct of state construction projects. (Ingbreton, Graf 5: Public Works and Highways)

HB 1574, relative to membership on the public employees deferred compensation commission. (Kennedy, Merr 4; Putnam, Rock 8; Mirski, Graf 10: Executive Departments and Administration)

HB 1576, implementing a voluntary Meth Watch program in New Hampshire. (J. Tilton, Merr 6; Wall, Straf 7; Batula, Hills 19; Tupper, Merr 6; Shurtleff, Merr 10: Health, Human Services and Elderly Affairs)

HB 1577, relative to the eligibility of persons with nontraditional domicile to vote. (J. Tilton, Merr 6; C. Chase, Hills 2; Clemons, Hills 24: Election Law)

HB 1578, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire. (J. Tilton, Merr 6; Wall, Straf 7; Butynski, Ches 4; Tupper, Merr 6; Morrison, Belk 2; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

HB 1579, relative to membership of the air resources council. (Ross, Hills 3: Science, Technology and Energy)

HB 1580, relative to the child support formula. (Bickford, Straf 3: Children and Family Law)

HB 1581, relative to drivers' licenses issued to persons under the age of 21. (Butynski, Ches 4; Gilbert, Rock 12; Owen, Merr 4; J. Tilton, Merr 6; G. Katsakiores, Rock 5: Transportation)

HB 1582, prohibiting New Hampshire from participating in a national identification card system. (Marple, Merr 9; Souza, Hills 11; Phinzy, Sull 5; L. Christiansen, Hills 27; Kurk, Hills 7: Transportation)

HB 1583, relative to grounds for modification of parental rights and responsibilities. (Bickford, Straf 3: Children and Family Law)

HB 1584, relative to cemetery setbacks and septic systems. (Bickford, Straf 3: Municipal and County Government)

HB 1585, relative to enforcement of orders regarding parenting plans. (Bickford, Straf 3: Children and Family Law)

HB 1586, prohibiting enforcement of support orders for college or other postsecondary education expenses. (Bickford, Straf 3: Children and Family Law)

HB 1587, establishing a committee to study the use of electronic traffic monitoring systems. (Morris, Rock 14: Transportation)

HB 1588, relative to unemployment compensation requirements for governmental and nonprofit employers. (Bishop, Rock 2; Infantine, Hills 13; Barnes, Dist 17: Labor, Industrial and Rehabilitative Services)

HB 1589, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year-olds and 18-year-olds who are ready to leave foster care or the youth development center. (E. Blanchard, Merr 10; Gile, Merr 10; MacKay, Merr 11; Flockhart, Rock 13; Larsen, Dist 15: Public Works and Highways)

HB 1590-FN, relative to the pari-mutuel commission. (F. Sullivan, Hills 12; Pilote, Hills 16; Velez, Hills 12; Martel, Dist 18; D'Allesandro, Dist 20: Executive Departments and Administration)

HB 1591-FN-A, requiring tobacco tax revenue attributable to tobacco sales to minors and tobacco consumption by minors to be deposited in the tobacco use prevention fund for youth tobacco use prevention programs and purposes. (Knowles, Straf 6; Naro, Graf 7; Wall, Straf 7; Goodwin, Straf 6; Tholl, Coos 2; Estabrook, Dist 21: Finance)

HB 1592-FN, making certain changes in the insurance laws. (S. Francoeur, Rock 15; Langley, Rock 18; Flanders, Dist 7; Hassan, Dist 23; Martel, Dist 18: Commerce)

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford. (Scanlon, Hills 18; Graham, Hills 18; Hawkins, Hills 18: Education)

HB 1594-FN, relative to eligibility of an owner of a dog or cat to participate in the animal population control program. (Wells, Rock 8; Phinzy, Sull 5; Asselin, Rock 7: Environment and Agriculture)

HB 1595-FN, relative to voluntary certification of electronic systems technicians. (Rep. Nowe, Rock 9: Executive Departments and Administration)

HB 1596-FN, relative to eminent domain compensation. (Kurk, Hills 7: Judiciary)

HB 1597-FN-L, relative to municipal obligations for indigent medical expenses. (Kurk, Hills 7; Patten, Carr 4; Wendelboe, Belk 1; N. Johnson, Straf 3; Martel, Dist 18: Municipal and County Government)

HB 1598-FN, relative to publication of the New Hampshire Revised Statutes Annotated. (Weyler, Rock 8; Mirski, Graf 10; Marshall Quandt, Rock 13; Marple, Merr 9; Soltani, Merr 8: Judiciary)

HB 1599-FN-A-L, reducing the rate of the business profits tax and repealing the business enterprise tax. (Hagan, Hills 17: Ways and Means)

HB 1601-FN-L, relative to the funding of catastrophic special education aid. (Itse, Rock 9: Education)

HB 1602-FN, eliminating the reduction of a New Hampshire retirement system annuity at age 65. (Morrison, Belk 2; J. Tilton, Merr 6; Mitchell, Ches 7: Executive Departments and Administration)

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting. (Patten, Carr 4; Solomon, Graf 10: Resources, Recreation and Development)

HB 1604-FN-A-L, establishing business tax credits for employer-sponsored shared commuting costs. (Norelli, Rock 16; Fuller Clark, Dist 24; Larsen, Dist 15; Green, Dist 6; D'Allesandro, Dist 20: Ways and Means)

HB 1605-FN, relative to transfers from the prepaid fish and game license fund. (D. Smith, Hills 22; Morneau, Coos 4; Klose, Merr 8; Nowe, Rock 9; Almy, Graf 11: Fish and Game)

HB 1606-FN, relative to coupons and rebates used to purchase alcohol. (Hinkle, Hills 19: Commerce)

HB 1607-FN, relative to reckless endangerment of roadway workers. (Bouchard, Merr 11; Benn, Graf 9; F. Tilton, Belk 4; Welch, Rock 8; Tholl, Coos 2; D'Allesandro, Dist 20; Morse, Dist 22; Johnson, Dist 2; Flanders, Dist 7: Criminal Justice and Public Safety)

HB 1608-FN-A, making an appropriation to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage. (Wallner, Merr 12; Nordgren, Graf 9; Green, Dist 6; Larsen, Dist 15: Finance)

HB 1609-FN, requiring an impact study before a large groundwater withdrawal permit may be issued. (Cilley, Straf 3; Wall, Straf 7; Phinizy, Sull 5; Cataldo, Straf 3; Spang, Straf 7; Estabrook, Dist 21; Hassan, Dist 23; Johnson, Dist 2: Resources, Recreation and Development)

HB 1610-FN, relative to a determination of incompetence under the CHINS statute. (Wendelboe, Belk 1: Children and Family Law)

HB 1611-FN, relative to reimbursement for personal care services. (Villeneuve, Hills 18; Roberge, Dist 9: Health, Human Services and Elderly Affairs)

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing. (Vaillancourt, Hills 15; Gibson, Hills 19; Barry, Hills 16; Roberge, Dist 9; Barnes, Dist 17: Ways and Means)

HB 1613-FN-L, relative to polling place arrangement and accessibility. (Kennedy, Merr 4: Election Law)

HB 1614-FN-L, relative to bonding requirements for certain roads. (W. P. Campbell, Straf 3: Municipal and County Government)

HB 1615-FN-A, establishing a fund for improvement of the state veteran's cemetery. (F. Tilton, Belk 4; D. Smith, Hills 22; Headd, Rock 3: Public Works and Highways)

HB 1616-FN, establishing a performance measurement system for state agencies. (Moran, Hills 18; Kurk, Hills 7; Itse, Rock 9; McRae, Hills 7; M. Smith, Straf 7: Finance)

HB 1617-FN-L, relative to the Franklin school district. (Hellwig, Hills 27; Renzullo, Hills 27: Finance)

HB 1618-FN-A, relative to net operating loss deductions under the business profits tax. (Major, Rock 8; D'Allesandro, Dist 20: Ways and Means)

HB 1619-FN, relative to a certain toll plaza in Merrimack. (Graham, Hills 18; Batula, Hills 19; Gibson, Hills 19; Mooney, Hills 19; D. L. Christensen, Hills 19; Roberge, Dist 9: Public Works and Highways)

HB 1620-FN, relative to hunting restrictions of certain convicted felons. (Bicknell, Rock 1; Kennedy, Merr 4; R. L'Heureux, Hills 19; Reed, Merr 2: Criminal Justice and Public Safety)

HB 1621-FN, prohibiting overpricing of fuel. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Weyler, Rock 8; Packard, Rock 3; Plifka, Ches 4; Fuller Clark, Dist 24: Commerce)

HB 1622-FN, relative to the state recycling program. (Morrison, Belk 2; Rous, Straf 7; Spang, Straf 7; Hamm, Merr 4: Environment and Agriculture)

HB 1623-FN, relative to harm or threats to public officials. (Shurtleff, Merr 10: Criminal Justice and Public Safety)

HB 1624-FN, relative to boat noise. (Whalley, Belk 5; Currier, Merr 5; Johnson, Dist 2; Gottesman, Dist 12; Boyce, Dist 4: Transportation)

HB 1625, establishing penalties for court-appointed advocates who fail to file reports which are required by the court. (Cady, Rock 1; Itse, Rock 9; Bettencourt, Rock 4; Bickford, Straf 3: Criminal Justice and Public Safety)

HB 1626-FN-A, making an appropriation to the office of energy and planning for the fuel assistance program. (DeJoie, Merr 11; Craig, Hills 9; Foster, Hills 4; Rowe, Hills 6; Clegg, Dist 14; Larsen, Dist 15; Fuller Clark, Dist 24: Finance)

HB 1627, relative to the assessment of open space land. (Patten, Carr 4; Chandler, Carr 1: Municipal and County Government)

HB 1628, relative to expenses of operating bingo games. (Weare, Rock 14; Palazzo, Rock 14: Ways and Means)

HB 1629-FN-L, relative to property revaluation schedules in towns and cities and review by the department of revenue administration. (Gale, Sull 3: Municipal and County Government)

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way. (Babson, Carr 3; Dickinson, Carr 1: Environment and Agriculture)

HB 1631-FN-L, relative to property taxation of certain property of the Appalachian Mountain Club. (King, Coos 1; Tholl, Coos 2; Chandler, Carr 1; Lary, Coos 3; Gallus, Dist 1: Municipal and County Government)

HB 1632, relative to qualifications for the elderly property tax exemption. (Shattuck, Hills 1; Jillette, Sull 2: Municipal and County Government)

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system. (Zolla, Rock 5; Flanders, Dist 7: Executive Departments and Administration)

HB 1634-FN, making technical changes to the law governing the New Hampshire retirement system. (Zolla, Rock 5: Executive Departments and Administration)

HB 1635-FN-L, relative to direct recall elections. (Mulholland, Graf 10: Election Law)

HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts. (Dokmo, Hills 6; Foster, Dist 13: Judiciary)

HB 1637-FN-L, reducing the rate of the timber tax. (Hagan, Hills 17; Newton, Straf 1; Marshall Quandt, Rock 13: Municipal and County Government)

HB 1638-FN-A, reducing the rate of the communications services tax. (Hagan, Hills 17; Newton, Straf 1; Marshall Quandt, Rock 13; Souza, Hills 11; Mirski, Graf 10; Martel, Dist 18: Ways and Means)

HB 1639-FN, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency. (Hopfgarten, Rock 5; Bicknell, Rock 1; Lund, Rock 5; Hellwig, Hills 27; Mirski, Graf 10; Maybeck, Graf 8; Boyce, Belk 5; Gonzales, Hills 17; Biundo, Hills 15; Dickinson, Carr 1: Criminal Justice and Public Safety)

HB 1640-FN-L, requiring school boards to disclose financial costs of contracts to the voters. (Cady, Rock 1; Souza, Hills 11; Itse, Rock 9; Newton, Straf 1; Bicknell, Rock 1; Barnes, Dist 17: Education)

HB 1641-FN, establishing a common law court. (Marple, Merr 9; L. Christiansen, Hills 27; Itse, Rock 9; Buhlman, Hills 27: Judiciary)

HB 1642-FN, relative to criminal penalties and forfeiture for activities in support of illegal immigration. (Ulery, Hills 27; Renzullo, Hills 27; Buhlman, Hills 27; Mirski, Graf 10: Criminal Justice and Public Safety)

HB 1643-FN, relative to enhanced penalties for committing an assault in the presence of a minor. (Mooney, Hills 19; Lasky, Hills 26; Rowe, Hills 6; Mead, Hills 4; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 1644-FN, relative to funding the fuel assistance program in the office of energy and planning and requiring a one-time reduction in the rate of the statewide enhanced education tax and making appropriations therefor. (Rowe, Hills 6; Carew, Hills 1; Field, Merr 7; Putnam, Rock 8: Finance)

HB 1645-FN, relative to fireworks permit fees and the position of permissible fireworks inspector. (Hunt, Ches 7: Criminal Justice and Public Safety)

HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear. (Mirski, Graf 10; Phinizy, Sull 5; Dickinson, Carr 1; Chandler, Carr 1; Gallus, Dist 1: Fish and Game)

HB 1647-FN, relative to lowering the legal drinking age for members of the armed forces. (Splaine, Rock 16; Powers, Rock 16: Judiciary)

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements. (Foote, Ches 6; Hogancamp, Ches 4; Emerson, Ches 7; Grassie, Straf 1: Children and Family Law)

HB 1649-FN, including “unborn child” in the definition of “another” for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Souza, Hills 11; Hagan, Hills 17; Bettencourt, Rock 4; Itse, Rock 9; Cady, Rock 1; Barnes, Dist 17; Martel, Dist 18: Criminal Justice and Public Safety)

HB 1651-FN-A-L, repealing the statewide enhanced education tax. (Craig, Hills 9; DeJoie, Merr 11; Clemons, Hills 24; D’Allesandro, Dist 20; Fuller Clark, Dist 24: Ways and Means)

HB 1652-FN, relative to certain insurance claims. (S. Francoeur, Rock 15; Marshall Quandt, Rock 13; Egbers, Hills 10; Hassan, Dist 23; Clegg, Dist 14: Commerce)

HB 1653-FN, requiring handrails on stairways in public buildings. (Ginsburg, Hills 20: Public Works and Highways)

HB 1654-FN, relative to the probate court mediation fund and fee. (Dokmo, Hills 6; Foster, Dist 13: Judiciary)

HB 1655-FN-A, making rail system development a complement to the Interstate Route 93 highway expansion project. (G. Katsakiores, Rock 5; P. Cote, Hills 25; Nowe, Rock 9; John Flanders, Rock 8: Public Works and Highways)

HB 1656-FN-A, establishing an electronic toll collection transponder inventory fund. (Graham, Hills 18; Cloutier, Sull 4; F. Tilton, Belk 4; Waterhouse, Rock 4; Gionet, Graf 3; Morse, Dist 22; Hassan, Dist 23: Finance)

HB 1657, relative to uses of charitable donations for fish and wildlife conservation programs. (D. Smith, Hills 22; Nowe, Rock 9; Rodeschin, Sull 2; Bicknell, Rock 1; Clegg, Dist 14; Gallus, Dist 1; Johnson, Dist 2; D’Allesandro, Dist 20; Roberge, Dist 9: Fish and Game)

HB 1658, relative to the use by the fish and game department of charitable donations for the general administration of the department. (D. Smith, Hills 22; Nowe, Rock 9; Rodeschin, Sull 2; Bicknell, Rock 1; Clegg, Dist 14; Gallus, Dist 1; Johnson, Dist 2; D’Allesandro, Dist 20; Roberge, Dist 9: Fish and Game)

HB 1659, relative to the use of certain small caliber firearms in taking wildlife. (Morneau, Coos 4: Fish and Game)

HB 1660-FN, regulating identity theft. (Hogancamp, Ches 4; Kurk, Hills 7; Maxfield, Merr 6; Ulery, Hills 27; Ryan, Merr 2; Schulze, Hills 26; Wall, Straf 7; Roberge, Dist 9; Letourneau, Dist 19; Fuller Clark, Dist 24; D’Allesandro, Dist 20; Gottesman, Dist 12: Commerce)

HB 1661-FN, relative to the practice of real estate sales and eliminating the real estate commission. (Mirski, Graf 10: Executive Departments and Administration)

HB 1662-FN, establishing the crime of peonage. (Ulery, Hills 27; Renzullo, Hills 27; Buhlman, Hills 27; Kennedy, Merr 4; Mirski, Graf 10: Criminal Justice and Public Safety)

HB 1663-FN-L, relative to the licensing fee for motor vehicle recycling yards. (Bergeron, Hills 27; Soltani, Merr 8: Transportation)

HB 1664-FN, relative to nondriver identification cards. (Danforth, Merr 6; Rodeschin, Sull 2; Hinkle, Hills 19: Transportation)

HB 1665-FN, creating an offense for the injury of another resulting in miscarriage or stillbirth. (Gilbert, Rock 12; Winchell, Rock 6; Knowles, Straf 6; Marshall Quandt, Rock 13: Criminal Justice and Public Safety)

HB 1666-FN-A, authorizing a memorandum of understanding between state and local law enforcement and the United States Department of Homeland Security regarding immigration enforcement and making an appropriation therefor. (Renzullo, Hills 27; Buhlman, Hills 27; Ulery, Hills 27: State-Federal Relations and Veterans Affairs)

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine. (Hogancamp, Ches 4; Knowles, Straf 6; MacKay, Merr 11; Harvey, Hills 21; Butynski, Ches 4; P. Katsakiores, Rock 5; Gallus, Dist 1; Clegg, Dist 14: Criminal Justice and Public Safety)

HB 1668, relative to providing bank account balance information. (Kurk, Hills 7: Commerce)

HB 1669-FN-L, increasing the penalties for littering. (Newton, Straf 1; Bettencourt, Rock 4: Criminal Justice and Public Safety)

HB 1670-FN, relative to membership on certain professional regulatory boards. (Bergin, Hills 6; Houde-Quimby, Sull 1: Executive Departments and Administration)

HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. (Langley, Rock 18; Fuller Clark, Dist 24: Executive Departments and Administration)

HB 1672-FN, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults. (Naro, Graf 7; Carson, Rock 3; Whalley, Belk 5; Bleyler, Graf 9; Hagan, Hills 17; Ober, Hills 27; Martel, Dist 18; Estabrook, Dist 21; Green, Dist 6; Hassan, Dist 23: Health, Human Services and Elderly Affairs)

HB 1673-FN, relative to the reduction of mercury emissions. (Ross, Hills 3; Slocum, Hills 6; Kaen, Straf 7; Phinizy, Sull 5; Maxfield, Merr 6; Ober, Hills 27; Green, Dist 6; Johnson, Dist 2; Burling, Dist 5; Odell, Dist 8; Hassan, Dist 23: Science, Technology and Energy)

HB 1674-FN, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials. (Knowles, Straf 6; Gilbert, Rock 12; Charron, Rock 7; Movsesian, Hills 22; Green, Dist 6; Roberge, Dist 9: Criminal Justice and Public Safety)

HB 1676-FN, relative to misdemeanor jury trials. (Soltani, Merr 8; Marshall Quandt, Rock 13; Weyler, Rock 8; Mooney, Hills 19; Clegg, Dist 14: Judiciary)

HB 1677-FN, relative to the annulment of the arrest record of a person found not guilty by a jury. (Dumaine, Rock 3; Hagan, Hills 17: Judiciary)

HB 1678-FN-A, relative to state reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state university. (Naro, Graf 7; M. Cooney, Graf 7; DeJoie, Merr 11; Asselin, Rock 7: Finance)

HB 1679-FN-L, relative to the taxation of nongovernmental uses of university system property. (M. Cooney, Graf 7; Asselin, Rock 7; Naro, Graf 7: Municipal and County Government)

HB 1680-FN, requiring law enforcement and corrections officers to complete training in appropriate techniques for dealing with persons with mental health conditions. (Cady, Rock 1; Bicknell, Rock 1; Souza, Hills 11; Dumaine, Rock 3: Criminal Justice and Public Safety)

HB 1681-FN, establishing the unused prescription drug program. (Pepino, Hills 11; Hunter, Hills 7; Lund, Rock 5; Beaulieu, Hills 17; Barnes, Dist 17; Kenney, Dist 3; Green, Dist 6; Fuller Clark, Dist 24; Martel, Dist 18: Health, Human Services and Elderly Affairs)

HB 1682, relative to parental notification of a parent or legal guardian of a child who has been provided with emergency contraception by a pharmacist. (Balboni, Hills 21; Carson, Rock 3; Elliott, Hills 19; Barnes, Dist 17; Boyce, Dist 4; Bragdon, Dist 11: Judiciary)

HB 1683-FN, establishing a homestead food license for residential, non-commercial kitchens. (Babson, Carr 3; O'Connell, Hills 6: Executive Departments and Administration)

HB 1684-FN, establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property. (Millham, Belk 5; Johnson, Dist 2: Resources, Recreation and Development)

HB 1685-FN, establishing a special needs scholarship program. (Hunt, Ches 7: Education)

HB 1686-FN, relative to the allocation of certain off highway recreational vehicle fees. (Spang, Straf 7; Drisko, Hills 5; B. Richardson, Ches 5; Pratt, Ches 2; Dickinson, Carr 1: Resources, Recreation and Development)

HB 1687, extending certain studies. (MacKay, Merr 11: Legislative Administration)

HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. (Marple, Merr 9: Resources, Recreation and Development)

HB 1689, relative to the New Hampshire-Vermont interstate waste compact. (Rodeschin, Sull 2; Jillette, Sull 2; Odell, Dist 8: Environment and Agriculture)

HB 1690, relative to renewable energy. (Slocum, Hills 6; Harvey, Hills 21: Science, Technology and Energy)

HB 1691-FN, establishing a geothermal assessment project. (Cataldo, Straf 3; Slocum, Hills 6; Harvey, Hills 21; Green, Dist 6: Science, Technology and Energy)

HB 1692-FN, establishing the New Hampshire sexual predators act. (Batula, Hills 19; Foster, Dist 13: Criminal Justice and Public Safety)

HB 1693-FN-A-L, relative to funding an adequate education. (Asselin, Rock 7; Weyler, Rock 8; Holden, Hills 7; Clemons, Hills 24; DiFruscia, Rock 4: Ways and Means)

HB 1694-FN-L, relative to a spending cap on municipal and school district budgets. (Asselin, Rock 7; Weyler, Rock 8; Carson, Rock 3; Wells, Rock 8: Municipal and County Government)

HB 1695-FN, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants. (Asselin, Rock 7; Weyler, Rock 8; Dunn, Ches 3; Naro, Graf 7; Carson, Rock 3: Education)

HB 1696-FN, relative to the cremation of human remains. (Bicknell, Rock 1; Kennedy, Merr 4; Cataldo, Straf 3: Executive Departments and Administration)

HB 1697-FN, relative to certain state salaries. (Marshall Quandt, Rock 13; Weyler, Rock 8; Matthew Quandt, Rock 13; DeJoie, Merr 11; Goley, Hills 8: Finance)

HB 1698-FN-A-L, relative to determination of town's share on county taxes. (Gale, Sull 3: Municipal and County Government)

HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way. (Danforth, Merr 6; Green, Dist 6: Ways and Means)

HB 1701-FN-A, relative to boat fee agents of the department of safety, increasing the boat registration fee, and relative to the prevention of exotic aquatic weeds. (Drisko, Hills 5: Resources, Recreation and Development)

HB 1702-FN-A, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. (Schmidt, Straf 4; French, Merr 5; Fuller Clark, Dist 24: Commerce)

HB 1703-FN, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees. (Walz, Merr 13; Moody, Rock 12; Matthew Quandt, Rock 13; Marshall Quandt, Rock 13; Harvey, Hills 21; Hassan, Dist 23; Fuller Clark, Dist 24: Labor, Industrial and Rehabilitative Services)

HB 1704-FN-A, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. (Moody, Rock 12; Walz, Merr 13; Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Harvey, Hills 21; Fuller Clark, Dist 24: Commerce)

HB 1705-FN, relative to limited driving privileges for certain persons whose licenses have been revoked or suspended. (Knowles, Straf 6; Welch, Rock 8; Charron, Rock 7; Craig, Hills 9; Jennifer Brown, Straf 5; Burling, Dist 5; Estabrook, Dist 21; Gallus, Dist 1: Transportation)

HB 1706-FN, requiring certain persons to have Transportation Security Administration training and certification to provide airport security support in emergency situations. (Crane, Hills 21: Criminal Justice and Public Safety)

HB 1707-FN-A-L, establishing a school choice certificate program. (Slocum, Hills 6; Lund, Rock 5; Langlais, Merr 8; McKinney, Rock 3; W. P. Campbell, Straf 3; Green, Dist 6; Roberge, Dist 9: Education)

HB 1708-FN, relative to Temporary Assistance to Needy Families (TANF) eligibility for 2-parent families. (Dalrymple, Rock 4: Health, Human Services and Elderly Affairs)

HB 1709-FN, establishing an autism registry in the department of health and human services. (DeJoie, Merr 11; Butcher, Ches 3; Bleyler, Graf 9; Burling, Dist 5: Health, Human Services and Elderly Affairs)

HB 1710-FN-A, relative to appropriations to the department of health and human services for health care providers. (D. Eaton, Ches 2; Phinizy, Sull 5; Wallner, Merr 12; Burling, Dist 5: Finance)

HB 1711-FN, relative to the regulation of fuel gas fitters. (Mitchell, Ches 7; S. Francoeur, Rock 15; DiFruscia, Rock 4; Kenney, Dist 3: Executive Departments and Administration)

HB 1712-FN-A, making an appropriation for design and engineering costs for the expansion of the northern New Hampshire correctional facility and for the design, engineering, and construction of a minimum security building at the northern New Hampshire correctional facility. (Pantelakos, Rock 16: Public Works and Highways)

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing a commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs. (Hogancamp, Ches 4; Knowles, Straf 6; Batula, Hills 19; MacKay, Merr 11; Harvey, Hills 21; J. Tilton, Merr 6; P. Katsakiores, Rock 5; Gallus, Dist 1: Health, Human Services and Elderly Affairs)

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program. (Pilliod, Belk 5; MacKay, Merr 11; Emerson, Ches 7: Health, Human Services and Elderly Affairs)

HB 1715-FN, relative to funding of the professional assistance program of dentists. (MacKay, Merr 11; Hassan, Dist 23; Martel, Dist 18: Executive Departments and Administration)

HB 1716-FN, relative to state reimbursement for public safety expenditures made by towns on behalf of public higher education residence halls. (Naro, Graf 7; M. Cooney, Graf 7; DeJoie, Merr 11; Asselin, Rock 7; Larsen, Dist 15: Finance)

HB 1717-FN, requiring certain direct care services in nursing homes. (Gile, Merr 10; Gargas, Hills 5: Health, Human Services and Elderly Affairs)

HB 1718-FN, relative to the provision of medical services at nursing facilities. (Gile, Merr 10: Health, Human Services and Elderly Affairs)

HB 1719-FN, defining human life as beginning at the moment of fertilization. (Hagan, Hills 17; Souza, Hills 11; Dumaine, Rock 3; Martel, Dist 18; Barnes, Dist 17: Judiciary)

HB 1720-FN, relative to notice of parent liability in CHINS proceedings. (Morrison, Belk 2; Crane, Hills 21: Children and Family Law)

HB 1721-FN, relative to changes in the use of weighted caseload statistics in the calculation of the salaries of part-time district court justices. (Dokmo, Hills 6; Foster, Dist 13: Judiciary)

HB 1722-FN, relative to the New Hampshire council on developmental disabilities. (Wendelboe, Belk 1; Foster, Hills 4; Foote, Ches 6; Bleyler, Graf 9: Health, Human Services and Elderly Affairs)

HB 1723-FN, relative to health care and health insurance data. (Kurk, Hills 7; Batula, Hills 19; Wendelboe, Belk 1; Hogancamp, Ches 4; Martel, Dist 18; Kenney, Dist 3: Commerce)

HB 1724-FN, relative to compensation and benefits for reserve and National Guard members who are state employees. (Weyler, Rock 8; Stone, Rock 1; R. Wheeler, Hills 7; Graham, Hills 18; Gallus, Dist 1; Odell, Dist 8: Finance)

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in abuse and neglect cases. (Gargasz, Hills 5; Gile, Merr 10: Children and Family Law)

HB 1726-FN, requiring the state to pay legal fees for certain Supreme Court justices. (King, Coos 1: Finance)

HB 1727-FN-L, relative to transfer or discharge of patients in residential care facilities. (MacKay, Merr 11; Pilliod, Belk 5; Hogancamp, Ches 4; Emerson, Ches 7; Wendelboe, Belk 1; Martel, Dist 18; Johnson, Dist 2: Health, Human Services and Elderly Affairs)

HB 1728-FN-L, relative to time limits on eligibility for Temporary Assistance for Needy Families (TANF). (Crane, Hills 21: Health, Human Services and Elderly Affairs)

HB 1729-FN, implementing a "good time" sentence reduction system for inmates in the state prison system. (Vaillancourt, Hills 15: Criminal Justice and Public Safety)

HB 1730-FN-L, relative to long-term care program management and cost controls. (Kurk, Hills 7; Johnson, Dist 2: Health, Human Services and Elderly Affairs)

HB 1731-FN, making pseudoephedrine products available only by prescription. (Butynski, Ches 4; J. Tilton, Merr 6: Health, Human Services and Elderly Affairs)

HB 1732-FN-A, repealing the fund for the domestic violence grant program and relative to marriage license fees. (Bickford, Straf 3: Criminal Justice and Public Safety)

HB 1733-FN, establishing a reporting system for court decisions relative to residential responsibility under parenting plans. (Bickford, Straf 3: Children and Family Law)

HB 1734-FN-A-L, establishing a homestead exemption for seniors against the statewide enhanced education tax and a tax cap credit for seniors against local and state property taxes. (Espieffs, Ches 3: Municipal and County Government)

HB 1735-FN, relative to awarding the state employees' health insurance plan. (R. Wheeler, Hills 7; D. Flanders, Belk 4; DeStefano, Merr 13; Bergin, Hills 6; Flanders, Dist 7; D'Allesandro, Dist 20; Clegg, Dist 14: Executive Departments and Administration)

HB 1736-FN-L, relative to tuition payments made to charter schools. (Balboni, Hills 21; Newton, Straf 1: Education)

HB 1737-FN-A, establishing a beverage fee to be paid by beverage manufacturers and distributors. (R. Cooney, Rock 4; Spang, Straf 7; Chaplin, Straf 3; M. Allen, Rock 11; Ingram, Rock 4; Green, Dist 6; Johnson, Dist 2; Larsen, Dist 15; Fuller Clark, Dist 24: Resources, Recreation and Development)

HB 1738-FN, prohibiting the use of surveillance devices to identify motor vehicles. (Kurk, Hills 7; Mead, Hills 4: Transportation)

HB 1739-FN, relative to body art practitioners. (Dalrymple, Rock 4: Executive Departments and Administration)

HB 1740-FN-A, making an appropriation to increase the hourly rate of pay for care providers for persons with developmental and acquired disabilities. (Wendelboe, Belk 1; Emerton, Hills 7: Finance)

HB 1741-FN, relative to reporting requirements concerning infections in hospitals. (Pepino, Hills 11; Lund, Rock 5; Powers, Rock 16; Hess, Merr 9; Rogers Johnson, Rock 13; Guida, Graf 5; Boyce, Dist 4; Gallus, Dist 1: Health, Human Services and Elderly Affairs)

HB 1742-FN, relative to disclosing infections in hospitals and nursing homes. (P. Johnson, Hills 26: Health, Human Services and Elderly Affairs)

HB 1743-FN, relative to reimbursing towns for the operating expenses of certain railroad passenger facilities. (C. Robertson, Rock 13; S. Scamman, Rock 13; Casey, Rock 11: Municipal and County Government)

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. (Weyler, Rock 8; Dickinson, Carr 1; Asselin, Rock 7; F. Sullivan, Hills 12; D'Allesandro, Dist 20; Green, Dist 6: Executive Departments and Administration)

HB 1745-FN, relative to methamphetamine-related crimes involving children and incapacitated adults. (Harvey, Hills 21; Pilliod, Belk 5; Gile, Merr 10; Hogancamp, Ches 4; Knowles, Straf 6; J. Tilton, Merr 6; Martel, Dist 18; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

HB 1746-FN-L, relative to eligibility for Temporary Assistance to Needy Families (TANF). (Kurk, Hills 7; Wendelboe, Belk 1; Clegg, Dist 14; Martel, Dist 18: Health, Human Services and Elderly Affairs)

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and fund and establishing fees. (Gillick, Rock 15; Weare, Rock 14; S. Francoeur, Rock 15; Stiles, Rock 15; Bridle, Rock 15; Fuller Clark, Dist 24; Hassan, Dist 23: Fish and Game)

HB 1748, prohibiting candidates who did not get elected from serving as alternate members of the planning board or zoning board of adjustment. (Babson, Carr 3: Municipal and County Government)

HJR 20, supporting stem cell research. (Hammond, Graf 11; Buxton, Rock 10; Sokol, Graf 9; Wall, Straf 7; Pilliod, Belk 5; Burling, Dist 5; Larsen, Dist 15: Health, Human Services and Elderly Affairs)

HJR 21, urging the University of New Hampshire to restore intercollegiate baseball and softball. (Bettencourt, Rock 4; Renzullo, Hills 27: Education)

HJR 22, in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research. (Thomas, Belk 5; Maxfield, Merr 6; Estabrook, Dist 21; Johnson, Dist 2: Science, Technology and Energy)

HJR 23, designating a Purple Heart Trail spur to the New Hampshire state veteran's cemetery and providing additional signs for the Purple Heart Trail. (D. Smith, Hills 22; Morneau, Coos 4; Almy, Graf 11; Coughlin, Hills 4; Klose, Merr 8; Clegg, Dist 14; Barnes, Dist 17; Kenney, Dist 3; Letourneau, Dist 19: Public Works and Highways)

HJR 24, supporting efforts for commuter rail in the state of New Hampshire. (Lasky, Hills 26; Clemons, Hills 24; Cilley, Straf 3; Foster, Dist 13; Gottesman, Dist 12: Transportation)

HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain. (Itse, Rock 9; Souza, Hills 11: State-Federal Relations and Veterans Affairs)

HJR 26, urging Congress to reevaluate Title IX. (Bettencourt, Rock 4: State-Federal Relations and Veterans Affairs)

HCR 20, commending the New Hampshire Committee for Employer Support of the Guard and Reserve. (Graham, Hills 18; Weyler, Rock 8; Coughlin, Hills 4; Heon, Straf 2; Hawkins, Hills 18; Letourneau, Dist 19; Barnes, Dist 17; Kenney, Dist 3: Legislative Administration)

HCR 21, urging the Department of Homeland Security to study New Hampshire's northern border and protection for our dam network. (Buzzell, Coos 4: State-Federal Relations and Veterans Affairs)

HCR 22, relative to the right to pursue a livelihood in natural resources industries. (Morris, Rock 14; Gibson, Hills 19; Goyette, Hills 27; Marshall Quandt, Rock 13; Gallus, Dist 1; Fuller Clark, Dist 24: State-Federal Relations and Veterans Affairs)

HCR 23, urging the President to find it necessary to drawdown the strategic petroleum reserve. (Hagan, Hills 17; N. Johnson, Straf 3; Gorham, Hills 23; State-Federal Relations and Veterans Affairs)

HCR 24, supporting the increased production of renewable energy by the agricultural community. (Phinizy, Sull 5; D. Eaton, Ches 2; DeJoie, Merr 11; Babson, Carr 3; O'Connell, Hills 6; Burling, Dist 5; Green, Dist 6: Environment and Agriculture)

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. (Marshall Quandt, Rock 13; Matthew Quandt, Rock 13; Albert, Straf 1; Bicknell, Rock 1; Weyler, Rock 8; Boyce, Dist 4: State-Federal Relations and Veterans Affairs)

HR 20, recognizing Mendon McDonald for his service as chairman of the state committee on aging. (Forsing, Rock 2: Legislative Administration)

HR 21, urging Congress to reimburse New Hampshire municipalities for the amounts granted in veterans' tax credits. (Buco, Carr 1: State-Federal Relations and Veterans Affairs)

HR 22, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II." (Pepino, Hills 11; Movsesian, Hills 22; Matarazzo, Hills 20; Roberge, Dist 9; Green, Dist 6; D'Allesandro, Dist 20; Fuller Clark, Dist 24: State-Federal Relations and Veterans Affairs)

CACR 30, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development. (Giuda, Graf 5; Green, Dist 6: Judiciary)

CACR 31, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. (DiFruscia, Rock 4; Phinizy, Sull 5; Weyler, Rock 8; Bishop, Rock 2; Splaine, Rock 16: Executive Departments and Administration)

CACR 32, relating to eminent domain. Providing that property can only be taken for public benefit other than increased tax revenues. (Cady, Rock 1; Newton, Straf 1; Dumaine, Rock 3; Souza, Hills 11: Judiciary)

CACR 33, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries. (Buzzell, Coos 4: Legislative Administration)

CACR 34, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. (Balboni, Hills 21; Elliott, Hills 19; Itse, Rock 9; Brassard, Hills 17; Villeneuve, Hills 18; Chaplin, Straf 3; Barnes, Dist 17; Boyce, Dist 4; Roberge, Dist 9: Judiciary)

CACR 35, relating to an automatic address of judges every 10 years. Providing that all judges shall be reviewed every 10 years by governor and council as if there has been an address for removal of the judge by both houses of the legislature. (J. Wheeler, Hills 6; Boyce, Belk 5: Judiciary)

CACR 36, relating to the rulemaking authority of the Supreme Court. Providing that the Supreme Court may adopt rules, that the general court may regulate these matters by statute, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall prevail over the rule. (J. Wheeler, Hills 6: Judiciary)

CACR 37, relating to the legislature. Providing that compensation shall be based on present value. (DiFruscia, Rock 4; Weyler, Rock 8; Bishop, Rock 2: Legislative Administration)

CACR 38, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. (DiFruscia, Rock 4; Phinizy, Sull 5; Weyler, Rock 8; Splaine, Rock 16; Bishop, Rock 2; Kenney, Dist 3: Ways and Means)

CACR 39, relating to the administration of the Supreme Court. Providing that Supreme Court rules shall no longer have the force and effect of law. (L. Christiansen, Hills 27; Marple, Merr 9: Judiciary)

CACR 40, relating to taking of property. Providing that property may not be taken for a public purpose, but only for a public use. (Kurk, Hills 7: Judiciary)

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards. (Kurk, Hills 7; Kennedy, Merr 4; Flanders, Dist 7: Election Law)

CACR 42, relating to sessions of the legislature. Providing that the legislature meet biennially and only on weekday nights and weekends. (Hopfgarten, Rock 5: Legislative Administration)

MOTIONS TO VACATE

Rep. Sheila Francoeur moved that the House vacate the reference of **HB 1337**, relative to the regulation of carnival and amusement ride operators, to the committee on Commerce.

Motion adopted.

The Speaker referred **HB 1337** to the committee on Executive Departments and Administration.

Rep. King moved that the House vacate the reference of **HB 1215**, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown, to the committee on Finance.

Motion adopted.

The Speaker referred **HB 1215** to the committee on Public Works and Highways.

Rep. King moved that the House vacate the reference of **HB 1616**, establishing a performance measurement system for state agencies, to the committee on Finance.

Motion adopted.

The Speaker referred **HB 1616** to the committee on Executive Departments and Administration.

Rep. Patten moved that the House vacate the reference of **HB 1132**, relative to qualifications for the Global War on Terrorism operations service bonus payment, to the committee on Municipal and County Government.

Motion adopted.

The Speaker referred **HB 1132** to the committee on State-Federal Relations and Veterans Affairs.

Rep. Currier moved that the House vacate the reference of **HB 1343**, establishing a committee to study the administration and jurisdiction of the council on resources and development, to the committee on Resources, Recreation and Development.

Motion adopted.

The Speaker referred **HB 1343** to the committee on Public Works and Highways.

Rep. Currier moved that the House vacate the reference of **HB 1684**, establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property, to the committee on Resources, Recreation and Development.

Motion adopted.

The Speaker referred **HB 1684** to the committee on Public Works and Highways.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the Rules be so far suspended as to permit introduction and consideration at the present time of **SB 392-FN-A**, relative to the payment of Medicare Part D phased down state contribution, known as "clawback," without the required referral to committee, public hearing and report from committee.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 392 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF SENATE BILL

First and second reading

SB 392-FN-A, relative to the payment of Medicare Part D phased down state contribution, known as "clawback."

CONSIDERATION OF SENATE BILL 392-FN-A

SB 392-FN-A, relative to the payment of Medicare Part D phased down state contribution, known as "clawback."

Reps. O'Neil and Craig moved Ought to Pass.

Motion adopted and ordered to third reading.

SUSPENSION OF RULES

Rep. O'Neil moved that the Rules be so far suspended as to permit immediate third reading and final passage at the present time of **SB 392**.

Adopted by the necessary two-thirds.

Third reading and final passage

SB 392-FN-A, relative to the payment of Medicare Part D phased down state contribution, known as "clawback."

COMMITTEE REPORTS – 2005 RETAINED BILLS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act, removed by Rep. Mirski.

HB 203-FN, relative to the use of tracking devices in consumer products, removed by Rep. Lund.

SB 211-FN, relative to pharmaceutical marketers, removed by Rep. DeJoie.

HB 459, relative to access to criminal records and enhanced 911 system records and excluding information brokers from private detective licensing, removed by Rep. Kurk.

HB 249, relative to delivery of absentee ballots to city or town clerks, removed by Rep. Vaillancourt.

HB 524, relative to outsourcing of jobs, removed by Rep. Weed.

HB 642-FN-L, relative to the regulation of home inspectors, removed by Rep. Mirski.

HB 657-FN-L, relative to promoting community revitalization, removed by Rep. Mirski.

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas, removed by Rep. Spang.

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the president, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424), removed by Rep. Anna Tilton.

HB 669-FN, setting the laboratory fee schedule for certain environmental samples, removed by Rep. Camm.

Consent Calendar adopted.

HB 312, relative to the appointment of parenting coordinators in child custody cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargas for Children and Family Law: This bill permits the court to appoint a parenting coordinator to assist parents who demonstrate a pattern of continuing high conflict. Both parents must agree to a parenting coordinator. Vote 13-0.

Amendment (0163h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the appointment of parenting coordinators.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Parental Rights and Responsibilities; Parenting Coordinators. Amend RSA 461-A by inserting after section 11 the following new section:

461-A:11-Parenting Coordinators.

I. In this section:

(a) "Parenting coordination" is a child-focused dispute resolution process in which an impartial parenting coordinator assists high conflict parents to implement their parenting plan by facilitating the resolution of their disputes in a timely manner, educating parents about children's needs, and with the prior approval of the parties or of the court, making decisions within the scope of the court order or appointment contract.

(b) "Parenting Coordinator" means a person who assists the parties in resolving issues related to parenting by educating them about communication skills and about children's needs, and by mediating disputes, and if necessary, arbitrating disputes.

II. In any proceeding under this chapter involving the determination or enforcement of parental rights and responsibilities, if both parents agree, the court may appoint a parenting coordinator if the court finds that the parties demonstrate a pattern of continuing high conflict, or if the court otherwise determines the appointment is in the best interest of the child or children. The parenting coordinator may be appointed at any stage of the proceeding to assist parents in developing and/or implementing a parenting plan.

III. The order of appointment shall specify the duration of appointment, to be a specific number of hours or a period of time that is one year or less.

IV. If both parents agree to the appointment of a parenting coordinator, reasons the court may choose to order a parenting coordinator include, but are not limited to:

- (a) An issue or issues appear to be intractable or have been subject to re-occurring litigation.
- (b) The well-being of a minor child is placed at risk by the parents' inability to co-parent civilly.
- (c) There is a finding of domestic violence.
- (d) One or both parents are chemically dependent or mentally ill.

V. Even if both parents agree to the appointment of a parenting coordinator, reasons the court may choose not to order a parenting coordinator include, but are not limited to:

- (a) A showing of undue hardship to a party.
- (b) An agreement between the parties for alternate dispute resolution.
- (c) A qualified parenting coordinator is not available within a reasonable period of time.

VI. The role of the parenting coordinator in a particular case shall be specified in the appointment order. The role of the parenting coordinator is to promote the best interests of the child or children by assisting the parents to implement any part of the parenting plan or other duties as designated by the court including:

- (a) Educating the parents about effective communication and their child's needs.
- (b) Facilitating resolution of ongoing disagreements on the following issues:
 - (1) Minor alterations in parenting schedule which do not alter the basic time share allocation.
 - (2) Childcare arrangements.
 - (3) Parenting exchanges and transportation responsibility.
 - (4) Medical, dental, and vision care.
 - (5) Psychological counseling and related arrangements for the children.
 - (6) Education, including but not limited to, school choice, tutoring, and participation in special education programs.
 - (7) Discipline.
 - (8) Manner and methods of communication between parties and each party and the child or children.
 - (9) Schedule and conditions of telephone or electronic communication with the child or children.
 - (10) Other issues as the parents may agree or the court may order.
- (c) Co-parenting arbitration about issues such as those listed in subparagraph (b), except as provided in paragraph VII.

VII. Either parent or the parenting coordinator may seek a further order of the court to clarify or change the list of issues set out in the order.

VIII. A parenting coordinator shall not have the authority to decide:

- (a) Termination of parenting plans or court orders.
- (b) Changes in the parenting schedule other than minor alterations, as specified in subparagraph VI(b)(1).
- (c) Modification of parenting plans other than the issues listed in paragraph VI.
- (d) The need for supervised visitation by either parent.
- (e) Relocation of the residence of children.
- (f) Formal or informal religious training.
- (g) Legal residence of a child for school attendance.
- (h) The need for psychological or psychiatric treatment for either parent.

IX. After a decision by the parenting coordinator, either party may, by motion, submit the disputed issue for de novo hearing by the court. The decision of the parenting coordinator shall remain in effect until the court enters an order.

X. The parenting coordinator shall have access to non-parties and, if the parties agree to a release, privileged information, including school officials, physicians, mental health providers, guardians ad litem, other professionals involved with the family and related court records.

XI. The fee for the parenting coordinator shall be the responsibility of the parents in the proportion ordered by the court. The court shall determine the ability of parents to pay by evidence of the financial affidavit as filed. The parties shall sign an agreement with the parenting coordinator as to the fee, hourly rate, and deposit if any.

XII. A parenting coordinator shall submit a written report to the court and to the parties on decisions and recommendations as often as ordered by the court. In the report, the parenting coordinator may give an opinion regarding whether the parenting coordination is succeeding and should continue. Parties may file an objection to the report with the court within 10 days.

XIII. The court shall remove the parenting coordinator:

- (a) On the request and agreement of both parties; or
- (b) On the motion of a party or by court order, if good cause is shown, or
- (c) By request of the parenting coordinator.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a procedure for appointing parenting coordinators in family law cases.

HB 316, relative to neutral evaluations in child custody cases. **INEXPEDIENT TO LEGISLATE.** Rep. Carolyn M. Gargas for Children and Family Law: Neutral evaluation currently is taking place in the court system. At this time legislation is not needed. Vote 13-0.

HB 325, relative to the burden of proof in child abuse and neglect proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel C. Itse for Children and Family Law: This bill creates a definite opportunity for parents, their attorney and advocates to review evidence in abuse and neglect cases. This ensures the capacity to refute allegations, subpoena witnesses, and request continuances. The bill gives parents the capacity to obtain their own medical evaluation of the child in abuse cases. Finally, the bill requires that all interviews be recorded ensuring the integrity of evidence. Vote 13-0.

Amendment (0225h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to proceedings under the Child Protection Act.

Amend the bill by replacing all after the enacting clause with the following:

1 Filing Reports, Evaluations, and Other Records. Amend RSA 169-C:12-b to read as follows:

169-C:12-b Filing Reports, Evaluations, and Other Records. All reports, evaluations, and other records from the department of health and human services, counselors, and guardians ad litem in proceedings under this chapter shall be filed with the court and all other parties at least 5 business days prior to any hearing. *Any reports, evaluations, or other records filed after this deadline shall be inadmissible as evidence in such hearing.* Once filed with the court and given to all other parties, the report, evaluation, or other record need not be re-filed during the proceeding. Failure to comply with the provisions of this section shall not be grounds for dismissal of the petition.

2 New Sections; Medical Examinations of Child; Department Interviews With Child. Amend RSA 169-C by inserting after section 12-b the following new sections:

169-C:12-c Medical Examinations of Child. Parents who are the subject of an abuse or neglect petition not involving sexual abuse shall be entitled to request a medical examination of each child involved by a physician of the parents' choice at the parents' expense. If timeliness of an examination to verify or dispute an injury is an issue for trial, the department shall cooperate by promptly delivering the child for the requested medical examination with or without court order.

169-C:12-d Department Interviews With Child. Any interview of a child conducted by the department or its contractors, other than caregivers or therapeutic counseling, pursuant to this chapter shall be videotaped or audio recorded. If the interview is videotaped, it shall be videotaped in its entirety. If the interview cannot be videotaped in its entirety, an audio recording of the entire interview shall be made.

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill changes the filing deadlines for certain reports and records to 5 business days prior to a child abuse or neglect hearing. The bill establishes certain requirements for medical examinations of children who are alleged to have been abused or neglected. This bill also requires interviews of children who may be victims of child abuse or neglect to be videotaped or audio recorded in their entirety.

HB 327, relative to enforcement of support orders. **INEXPEDIENT TO LEGISLATE.**

Rep. David A. Bickford for Children and Family Law: The committee decided not to go forward with creating a process for parents to develop contracts to pay college costs of their children. Vote 16-0.

HB 529, establishing a presumption in favor of shared parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Children and Family Law: This bill reinforces the legislative intent to promote comparable parental rights and responsibilities, absent evidence to the contrary. The amendment requires the court to use evidence when adjusting a parent's proposed parenting plan for rights and responsibilities. It also requires the court to set forth in detail its decision in a written order. Vote 14-0.

Amendment (0196h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the determination of parental rights and responsibilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose; Comparable Parenting. RSA 461-A:2, II is repealed and reenacted to read as follows:

II. This chapter shall be construed so as to promote comparable parental rights and responsibilities.

2 Determination of Parental Rights and Responsibilities; Comparable Parenting. Amend RSA 461A:6, IV-VII to read as follows:

IV. *If the court finds upon consideration of the evidence that comparable parenting or the parents proposed allocation of parental rights and responsibilities is not in the child's best interest, the court shall set forth in detail the reasons for its decision in a written order.*

V. If the court finds that a parent has been convicted of sexual abuse or sexual assault against such parent's minor child or minor stepchild, the court may prohibit contact between such parent and the victim of the abuse and any sibling or step-sibling of the victim. The court shall make orders that best protect the victim of the abuse and the siblings and step-siblings of such victim. In this paragraph, "sexual abuse" shall mean sexual abuse as defined in RSA 169-C:3, XXVII-a, and "sexual assault" shall mean sexual assault as provided in RSA 632-A:2, RSA 632-A:3, and RSA 632-A:4.

[V-] VI. If the court determines that it is in the best interest of the children, it shall in its decree grant reasonable visitation privileges to a party who is a stepparent of the children or to the grandparents of the children pursuant to RSA 461-A:13. Nothing in this paragraph shall be construed to prohibit or require an award of parental rights and responsibilities to a stepparent or grandparent if the court determines that such an award is in the best interest of the child.

[V-] VII. The court may appoint a guardian ad litem to represent the interests of the child according to RSA 461-A:16.

[V-] ~~At the request of an aggrieved party,~~ VIII. The court shall set forth *in detail* the reasons for its decision in a written order.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the court to consider comparable parenting as part of the determination of parental rights and responsibilities.

HB 587, relative to child abuse and neglect investigations by the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Daniel C. Itse for Children and Family Law: This bill ensures that the parent's rights in an abuse and neglect investigation as defined in the Department of Children, Youth and Families (DCYF) protocol are verbally disclosed to the parent(s) at the beginning of the investigation. Vote 16-0.

Amendment (0161h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Child Protection Act; Duties of Department of Health and Human Services; Required Disclosure. Amend RSA 169-C:34 by inserting after paragraph V the following new paragraph:

VI. At the first contact in person, any person investigating a report abuse or neglect on behalf of the department shall inform verbally the parents of a child suspected of being a victim of abuse or neglect of the specific nature of the charges and shall inform the parents that they are under no obligation to allow a social worker or state employee on their premises or surrender their children to interviews unless that social worker or state employee is in possession of a court order to that effect.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the department of health and human services to inform parents of a child suspected of being a victim of abuse and neglect of the nature of the charges and that they are not required to admit state employees to their property and are not required to allow them to interview their child without a court order to that effect.

HB 591, relative to the calculation of health and dental insurance costs as part of the child support obligation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eileen C. Flockhart for Children and Family Law: This bill gives a credit to the parent who pays for medical and or dental insurance for the minor children when gross adjusted income is calculated for child support. It also states that co-payments for services are shared equally unless otherwise determined by the parties involved. Vote 16-0.

Amendment (0117h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the inclusion of health insurance in the calculation of child support.

Amend the bill by replacing all after the enacting clause with the following:

1 Child Support Guidelines; Definition of Adjusted Gross Income; Credit for Cost of Medical Insurance. Amend RSA 458-C:2, I(e) to read as follows:

(e) Amounts actually paid by the obligor for allowable child care expenses ~~[or medical insurance coverage for the minor children to whom the child support order applies]~~.

(f) Amounts actually paid by the obligor for family medical insurance coverage for the minor children to whom the child support order applies.

(g) Amounts actually paid by the obligor for dental insurance coverage for the minor children to whom the child support order applies.

2 Child Support Formula; Reference to Family Added. Amend RSA 458-C:3, II(b) and (c) to read as follows:

(b) The total child support obligation shall be divided between the parents in proportion to their respective incomes as adjusted by this section, except when there are incurred by the obligee child care expenses or for the actual amount paid for *family medical and dental* insurance coverage for the minor children to whom the child support order applies.

(c) For those cases involving allowable child care expenses or *family medical and dental* insurance expenses incurred by the obligee, the same methodology described in subparagraphs (a) and (b) shall be used, except that as part of the determination of each parent's share of the child support obligation, the obligee's allowable child care expenses or *family medical and dental* insurance expenses shall be deducted from the adjusted gross income of the obligee.

3 Child Support Orders; Responsibility for Insurance Costs. Amend RSA 458:17, IX to read as follows:

IX. Each child support order shall include the court's determination and findings relative to health insurance and the payment of uninsured medical expenses for the children. *Medical copayments for in-network care shall be apportioned between the parties on an equal basis or in a proportion that is otherwise agreed upon by the parties and approved by the court.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that the amount paid by either parent for family medical and dental insurance coverage for the minor children reduces their income for purposes of calculating child support. The bill also requires the child support order to address responsibility for medical insurance co-payments.

HB 592, relative to the child support guidelines. **OUGHT TO PASS WITH AMENDMENT.** Rep. Eileen C. Flockhart for Children and Family Law: The economic consequences to either party for state or federally guaranteed or licensed commercial student loan payments paid by the obligor or obligee for his or her postsecondary educational expenses will now be provided for in statute as a special circumstance. In addition this bill provides some additional discretion to a judge to determine minimum child support payments. Vote 15-0.

Amendment (0139h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Child Support Guidelines; Student Loan Payments and Postsecondary Education Expenses Deducted From Adjusted Gross Income. Amend RSA 458-C:2, I by inserting after subparagraph (e) the following new subparagraph:

(f) Court-ordered payments for an adult child's postsecondary educational expenses, made pursuant to a New Hampshire court order issued prior to February 2, 2004, or an out-of-state court order.

2 Adjustment to Child Support Guidelines Under Special Circumstances; School Loan Obligations. Amend RSA 458-C:5, I by replacing subparagraph (j) with the following:

(j) The economic consequences to either party for state or federally guaranteed or licensed commercial student loan payments paid by the obligor or obligee for his or her postsecondary educational expenses.

(k) Other special circumstances found by the court to avoid an unreasonably low or confiscatory support order, taking all relevant circumstances into consideration.

3 Definition of Minimum Support Order; Judicial Discretion Added. Amend RSA 458-C:2, V to read as follows:

V. "Minimum support order" means an order of support equal to \$50 per month, *unless the court determines that a lesser amount is appropriate under the particular circumstances of the case.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides a deduction under the child support formula for court-ordered, postsecondary educational expenses. The bill also permits the court to adjust child support based on either parent's school loan obligations. The bill also gives the court discretion to order less than the minimum child support order.

HB 77-FN, relative to geographic location for small group insurance coverage. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane S. Langley for Commerce: Geographical rating was eliminated with the passage of SB 125 last session – thus this bill is now unnecessary. Vote 17-0.

HB 92, limiting access to certain business records. **REFER FOR INTERIM STUDY.**

Rep. Stephen B. Stepanek for Commerce: This bill, in one form or another, has been around for many sessions. It is introduced, retained and then referred to interim study each session. Its goal is to put the tax authorities of our neighboring states on notice that in their zeal to collect sales taxes from our border businesses, they must follow certain procedures. By keeping this bill "pending" it has achieved this goal. By a vote of 18-0 the committee recommends that this bill be sent to interim study. Vote 18-0.

HB 159, relative to insurance coverage for persons having deafness and hearing loss. **REFER FOR INTERIM STUDY.**

Rep. Stephen T. DeStefano for Commerce: The committee heard extensive testimony and received a report under the mandate review process of the Insurance Department. Although not willing to pass this law as written, the issue is worthy of further study. Vote 18-0.

HB 374, establishing a commission on economic independence. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles L. Clark for Commerce: This was a well intended bill but was very vague as to its real purpose. It was retained with the expectation that the sponsor would be adding definition to the bill. The subcommittee met twice in the fall. The sponsor didn't attend either meeting. Apparently his interest waned. Vote 19-0.

HB 678-FN, relative to the insurance premium tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Clark for Commerce: This bill encourages the retention of domestic insurers and the recruitment of insurers domiciled in other states. It also encourages the retention and recruitment of jobs in the insurance and financial services industry by providing an economic tool, a reduction of the insurance premium tax. The Department of Resources and Economic Development supports this initiative and will actively promote it. Vote 19-0.

Amendment (0189h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose and Findings. The general court finds that over the last decade the state has witnessed a significant loss of insurance companies that were domesticated in New Hampshire. The loss of a domestic insurance company to another state takes revenue and jobs from the state and impacts the overall welfare of the general public by the absence of a corporate good citizen no longer available to participate in good works in the communities of New Hampshire. A tool that may be used to retain current domestic insurers and recruit other companies is a reduction in the premium tax rate. A reduction in the premium tax rate will be an effective way to spur economic development and reverse recent losses of domestic insurers. Such a reduction will stimulate growth in financial services and other sectors in New Hampshire. States that have lowered their insurance premium taxes have experienced significant economic gain as many insurers have moved to incorporate in those states. Those states that lowered their insurance premium tax rates have found

that investment by insurers in the form of new employment, acquisition of property, and consumption of services have stimulated economic growth. By reducing the insurance premium tax, New Hampshire will give itself a competitive advantage over other eastern states with higher rates. The general court finds that the economic development stimulated by a reduction in the insurance premium tax rate in New Hampshire will be of great benefit to the state.

2 Retention and Recruitment of Domestic Insurers. The insurance commissioner, or designee, shall work with the commissioner of the department of resources and economic development to retain domestic insurers and recruit insurers to domesticate in New Hampshire.

3 Insurance; Premium Tax Decreased. Amend RSA 400-A:32, I to read as follows:

I.(a) Every insurer shall pay to the insurance commissioner a tax ~~[of 2 percent]~~ upon such net premiums, *for lines of business written*, as set forth in the report filed pursuant to RSA 400A:31, I, less estimated payments made in accordance with RSA 400-A:32, II[?], *as follows:*

(1) A tax of one percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II;

(2) A tax of 2 percent for all lines of business written pursuant to RSA 401:1, IV, including, but not limited to, insurers licensed pursuant to RSA 420-A, RSA 420-B, and RSA 420-F;

(b) Provided, however, that every authorized insurer shall pay to the insurance commissioner a minimum annual premium tax of no less than \$200.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill reduces the insurance premium tax in an effort to retain companies that are presently domesticated in New Hampshire and attract other companies to domesticate in New Hampshire.

This bill is a result of the committee established in 2004, 84.

Referred to the committee on Ways and Means.

HB 689-FN, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stella Scamman for Commerce: This bill amends state laws that address housing discrimination. These changes were recommended by the United States Department of Housing and Urban Development to allow state law to be certified as substantially equivalent to federal fair housing law. This certification will allow the New Hampshire Commission for Human Rights to hear both state and federal discrimination cases. Increased funding will be provided by HUD, sufficient to fund the increased case load. Vote 19-0.

Amendment (0033h)

Amend the bill by replacing section 5 with the following:

5 Choice of Forum. Amend RSA 354-A:21-a, I to read as follows:

I. Any party alleging to be aggrieved by any practice made unlawful under this chapter may, at the expiration of 180 days after the timely filing of a complaint with the commission, or sooner if the commission assents in writing, but not later than 3 years after the alleged unlawful practice occurred, bring a civil action for damages or injunctive relief or both, in the superior court for the county in which the alleged unlawful practice occurred or in the county of residence of the party[~~to the same extent as damages and injunctive relief could be awarded by the commission in a complaint not removed~~]. Any party alleged to have committed any practice made unlawful under this chapter may, in any case in which a determination of probable cause has been made by the investigating commissioner, remove said complaint to superior court for trial. *A court in cases so removed may award all damages and relief which could have been awarded by the commission, except that in lieu of an administrative fine, enhanced compensatory damages may be awarded when the court finds the respondent's discriminatory conduct to have been taken with willful or reckless disregard of the charging party's rights under this chapter.* A superior court trial shall not be available to any party if a hearing before the commission has begun or has concluded pursuant to RSA 354-A:21, II(b), or to a complainant whose charge has been dismissed as lacking in probable cause who has not prevailed on an appeal to superior court pursuant to RSA 354A:21, II(a). In superior court, either party is entitled to a trial by jury on any issue of fact in an action for damages regardless of whether the complaining party seeks affirmative relief.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 2006.

HB 716-FN, relative to securities regulation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara G. Reardon for Commerce: This bill was at the request of the Secretary of State and modernizes securities regulation in the State of New Hampshire. The final version is a collaborative effort of the office of the Secretary of State, the Banking Department and attorneys practicing in the securities area. Definitions have been expanded and clarified regarding fraudulent or deceptive devices, authority and jurisdiction of the Secretary of State, exemption for isolated sales, and when an offer to buy or sell is made. Additionally, the bill modifies requirements for securities licenses and licensing of broker-dealers, record-keepers of complaints and litigation, examinations, and changes fees for licensing and filings. It also adds a penalty for late notice filings. Vote 19-0.

Amendment (0045h)

Amend the bill by deleting sections 1-3 and renumbering the original sections 1-34 to read as 1-31, respectively.

Amend RSA 421-B:3, II as inserted by section 2 of the bill by replacing it with the following:

II. For purposes of this section, a fraudulent or deceptive device or contrivance shall include, but shall not be limited to:

(a) Representing in the offer or sale of securities, in writing or orally, that there is a guarantee against risk or loss.

(b) Inducing excessive trading in a customer's account, or inducing trading beyond that customer's known financial resources.

(c) Effecting transactions in the account of a customer without his or her knowledge or maintaining discretionary accounts without written authorization.

(d) Engaging or aiding in any act, practice, or course of business that encourages a prospective purchaser to make a quick decision to invest, irrespective of his or her investment needs and objectives.

Amend RSA 421-B:6, V(b) as inserted by section 7 of the bill by replacing it with the following:

(b) It is prohibited for any branch office or agent of a broker-dealer or investment adviser to conduct a securities or investment advisory business in this state under any name other than that of the broker-dealer or investment adviser with which the branch office is associated or agent is licensed. If more than one business enterprise is conducted from a branch office location, disclosures shall clearly [and equally] set forth what business activity is conducted by each organization and each licensed agent's relationship to each organization[-]; provided, however, that this requirement shall not apply to television, radio, or billboard advertising that pertains exclusively to a non-securities product.

Amend RSA 421-B:7, VIII(a) as inserted by section 10 of the bill by replacing it with the following:

VIII. Except for applicants subject to issuer-dealer licensing under RSA 421-B:6, I-a and I-b:

(a) Applications for an issuer-dealer's license in New Hampshire may be obtained from and shall be filed at the office of the secretary of state.

Amend RSA 421-B:7, X(a) as inserted by section 10 of the bill by replacing it with the following:

X. Except for applicants subject to issuer-dealer licensing under RSA 421-B:6, I-a and I-b:

(a) Application for renewal of an issuer-dealer license shall be made by December 31 of each year to the secretary of state and shall include the fee prescribed by RSA 421-B:31.

Amend RSA 421-B:17, II(a)(1) as inserted by section 15 of the bill by replacing it with the following:

(a)(1) Any non-issuer transactions, whether or not effected by or through a broker-dealer resulting in the completion of 5 or fewer sales within any period of 12 consecutive months. The secretary of state, on a case-by-case basis, may by rule or order, retroactively or prospectively, increase the number of persons to whom sales may be made under this exemption.

Amend RSA 421-B:17-a as inserted by section 18 of the bill by replacing it with the following:

421-B:17-a Registered Securities Offerings and Filings for Exemption from Registration; General Standards of Conduct and Disclosure. The following standards shall apply to all registered offerings of securities and to any exempt offerings which require a filing with the secretary of state.

I. Additional disclosures shall be made in offering documents or registration statements, or an application for registration or a filing for exemption from the registration requirement shall be denied, or further conditions for an exemption or registration shall be imposed, if any of the persons, other than persons licensed in this state, issuing or offering securities in this state:

(a) Has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to any state's securities law within 5 years prior to the instant securities offering in this state.

(b) Has been convicted within 5 years prior to making the instant offer of a security in this state of:

(1) Any felony or misdemeanor in connection with the offer, purchase, or sale of any security.

(2) Any felony involving fraud or deceit, including but not limited to:

(A) Forgery.

(B) Embezzlement.

(C) Obtaining money under false pretenses.

(D) Larceny.

(E) Conspiracy to defraud.

(c) Is currently subject to a material administrative enforcement order or judgment entered by a state's securities administrator within 5 years prior to offering securities in this state or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including, but not limited to, making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within 5 years prior to offering securities in this state.

(d) Is subject to a material administrative enforcement order or judgment which prohibits, denies, or revokes the use of any exemption from registration in connection with the offer, purchase, or sale of securities.

(e) Is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily, preliminarily, or permanently restraining or enjoining such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within 5 years prior to offering securities in this state.

II. Offering documents filed with the secretary of state shall be delivered to prospective investors at least 48 hours before investors commit to the investment, provided that the secretary of state, for good cause shown, shall suspend this requirement by order.

III. In addition to the disclosures required pursuant to RSA 421-B, additional disclosures shall be included in any offering document for a registered offering of securities pursuant to the policies and guidelines promulgated by the North American Securities Administrators Association (NASAA) for the benefit of investors to provide full and fair disclosure of a particular investment opportunity to investors. In addition, such offerings shall be subject to any further standards, including suitability standards, promulgated by NASAA for such offerings.

Amend RSA 421-B:21, I-a(b) as inserted by section 20 of the bill by replacing it with the following:

(b)(1) To license the following:

(A) Broker-dealers.

(B) Investment advisers.

(C) Issuer-dealers.

(D) Agents.

(E) Investment adviser representatives.

(2) The exclusive authority and jurisdiction to issue licenses pursuant to RSA 421-B:21, I-a(b) shall not be read to limit the authority of the department of insurance to license sellers of products where licensure is required both by RSA 421-B and Title XXXVII.

Amend the bill by deleting section 21 and renumbering the original sections 22-28 to read as 21-30, respectively.

Amend RSA 421-B:31, I(b)(1) as inserted by section 22 of the bill by replacing it with the following:

(1) Agent's initial license fee \$100

Amend the bill by inserting after section 22 the following and renumbering the original sections 23-30 to read as 24-31, respectively:

23 Penalty for Late Notice Filing. Amend RSA 421-B:31, IV to read as follows:

IV.(a) Any person who offers or sells securities in New Hampshire under (1) RSA 421-B:12, 13, or 14, where less than the maximum filing fee has been paid in this state, (2) RSA 421-B:17, II(r) or (h), (3) a notice filing under section 18(b)(4)(D) of the Securities Act of 1933, or (4) a notice filing under section 18(b) of the Securities Act of 1933 where less than the maximum filing fee has been paid in this state shall file a sales report with the secretary of state. Such reports shall be filed one year from (1) the effective date of the registration or exemption or (2) the date the notice filing under section 18(b) of the Securities Act of 1933 was made with the secretary of state, and a final sales report shall be filed within 60 days of the termination of the offering. The sales report shall indicate the termination date, the total number and amount of sales in this state, and the total number

and amount of sales in all jurisdictions. Any person who (1) fails to file a sales report or (2) fails to submit annual audited financial statements to the secretary of state under RSA 421-B:15, II-a shall pay a penalty of \$25 for each day of delinquency; provided, however, that the secretary of state may, for good cause shown, abate all or a portion of said delinquency penalty. The provisions of this paragraph shall not apply to federal covered securities pursuant to section 18(b)(2) of the Securities Act of 1933.

(b) Any person who fails to timely file the notice required pursuant to RSA 421-B:11, I-a(e) shall pay a penalty of \$500 if the notice filing is delinquent by no more than 90 days or a penalty of \$1,000 if the notice filing is delinquent by more than 90 days; provided, however, that if the filing is delinquent by more than one year, the person failing to timely file the required notice may be subject to the provisions of RSA 421-B:23, RSA 421-B:24, RSA 421-B:25, and RSA 421-B:26 for such failure.

Amend the bill by replacing section 31 with the following:

31 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill:

- I. Expands the definition of "issuer-dealer."
- II. Defines fraudulent or deceptive devices in sales or purchases of securities.
- III. Expands unlawful activities to include manipulative, deceptive, or other devices.
- IV. Makes changes to the requirements for securities licensing.
- V. Establishes additional licensing requirements for issuer-dealers.
- VI. Requires investment adviser licensees to keep files of complaints and litigation for the secretary of state to inspect.
- VII. Requires examination of an issuer-dealer's accounts within 4 years of licensing.
- VIII. Clarifies the exemption for isolated sales of securities from regulation.
- IX. Establishes general standards of conduct in securities offerings.
- X. Permits the secretary of state to appoint deputy directors.
- XI. Clarifies the authority and jurisdiction of the secretary of state over securities regulation.
- XII. Clarifies when an offer to buy or sell is made.
- XIII. Changes fees for securities licenses and filings.
- XIV. Adds a penalty for late notice filings.
- XV. Makes the secretary of state a member of the deferred compensation commission, replacing the director of the office of securities regulation.

This bill is a request of the secretary of state.

Referred to the committee on Ways and Means.

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code. OUGHT TO PASS WITH AMENDMENT.

Rep. Tara G. Reardon for Commerce: This bill adopts the recodified version of Articles 1 and 7 as promulgated by the Commissioners on Uniform Laws. Like other states that have adopted this Uniform version, New Hampshire maintained the choice of law provision currently available. Vote 19-0.

Amendment (0128h)

Amend RSA 382-A:1-301 as inserted by section 1 of the bill by replacing it with the following:
382-A:1-301 Territorial Application of Chapter; Parties' Power to Choose Applicable Law.

(a) Except as provided in paragraph (b), if a transaction bears a reasonable relation to this state and also to another state or nation, the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties. In the absence of such an agreement, this chapter applies to transactions bearing a reasonable relation to this state.

(b) Where one of the following provisions of this chapter specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law, including the conflict of laws rules, so specified:

- (1) Rights of creditors against sold goods, Section 2-402.
- (2) Applicability of the Article on Leases, Sections 2A-105 and 2A-106.
- (3) Applicability of the Article on Bank Deposits and Collections, Section 4-102.
- (4) Governing law in the Article on Funds Transfer, Section 4A-507.
- (5) Letters of Credit, Section 5-116.
- (6) Applicability of the Article on Investment Securities, Section 8-110.

(7) Law governing perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens, Sections 9-301 through 9-307.

Amend the bill by replacing section 48 with the following:

48 Effective Date. This act shall take effect January 1, 2007.

SB 64, establishing a committee to study small group health insurance plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Marshall Lee Quandt for Commerce: The committee believes that we now have an oversight committee to ensure SB 125 (2004) is implemented as smoothly as possible. Small group health insurance has been adequately studied to this point. If any future problems exist this bill can be reintroduced. Vote 18-0.

SB 175, requiring insurance coverage for certified midwives. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. Martin for Commerce: This bill requires insurance carriers to cover the services of certified midwives provided in licensed health care facilities, under policies providing maternity benefits, and subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8. Vote 18-0.

Amendment (0168h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Coverage for Certified Midwives; Individual. Amend RSA 415 by inserting after section 6-k the following new section:

415:6-l Coverage for Certified Midwives. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing maternity benefits, shall also provide to certificate holders of such insurance, who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326D. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility and within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

2 New Section; Coverage for Certified Midwives; Group. Amend RSA 415 by inserting after section 18-p the following new section:

415:18-q Coverage for Certified Midwives. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility and within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

3 New Section; Coverage for Certified Midwives; Health Service Corporations. Amend RSA 420A by inserting after section 17-e the following new section:

420-A:17-f Coverage for Certified Midwives. Every health service corporation and every other similar corporation licensed under the laws of another state that issues or renews any policy of group or blanket accident or health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420-J:4 and RSA 420J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility and within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

4 New Section; Coverage for Certified Midwives. Amend RSA 420-B by inserting after section 8o the following new section:

420-B:8-p Coverage for Certified Midwives. Every health maintenance organization and every similar corporation licensed under the laws of another state that issues or renews any policy, plan, or contract of individual or group or blanket health insurance providing maternity benefits shall also provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage consistent with the terms and conditions of the policy for services rendered by a midwife certified under RSA 326-D. Such coverage shall be subject to each insurer's standards and mechanisms for credentialing and contracting pursuant to RSA 420J:4 and RSA 420-J:8 respectively, where applicable, and contingent upon services being provided in a licensed health care facility and within the scope of practice of a certified midwife. Benefits provided shall not be subject to any greater co-payment, deductible, or coinsurance than any other similar benefits provided by the insurer.

5 Effective Date. This act shall take effect 60 days after its passage.

SB 209-FN, relative to licensing of money transmitters and check cashers. **REFER FOR INTERIM STUDY.**

Rep. Tara G. Reardon for Commerce: This bill seeks to regulate money transmitters and check cashers. Resolution of the issues surrounding these activities relies partly on a pending suit involving "stored value cards." The New Hampshire Attorney General's Office is currently a participant in that matter. The committee feels this is an important bill and would like to work further studying the issue and gaining more insight into the check cashing practice as it currently exists in the state. Vote 19-0.

HB 113, establishing a committee to study mandatory sentencing in criminal cases. **INEXPEDIENT TO LEGISLATE.**

Rep. William V. Knowles for Criminal Justice and Public Safety: The intent of this bill was to establish a study committee, which the committee did by means of a subcommittee to study these sentences. It was determined that most of the mandatory sentences involved murder, rape and DWI, which they felt shouldn't be changed. The subcommittee also decided to submit legislation to allow discretion to judges in cases involving felonious use of a firearm in a crime not considered a violent crime. Vote 15-0.

HB 373, relative to eligibility for parole for nonviolent offenders with Immigration and Naturalization Service detainers or deportation orders, or a federal prison sentence. **INEXPEDIENT TO LEGISLATE.**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: The State of New Hampshire should support its own laws. When these offenders are prosecuted, the state considers the status of the offender. The judge also has knowledge of the status during sentencing. The process in this bill, if implemented, would send the wrong message to crime victims. Vote 15-0.

HB 385, establishing a committee to study the repeal of the felony count for fourth and subsequent DWI offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee believes that there is a serious problem with substance abuse treatment within the state prison system. As originally drafted, the bill would have limited the study to just felony DWI inmates. The amendment broadens the study to all offenses that need substance abuse treatment that a more comprehensive treatment program can result from the study. Vote 15-0.

Amendment (0058h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the adequacy of current substance abuse treatment available in the state prison system.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall evaluate the adequacy of current substance abuse treatment available in the state prison system.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

AMENDED ANALYSIS

This bill establishes a committee to study the adequacy of current substance abuse treatment available in the state prison system.

HB 489-FN, relative to disclosing an ownership interest in certain health care facilities and businesses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A. Dowling for Criminal Justice and Public Safety: Currently, health care practitioners disclose ownership interests in ancillary services to the Department of Health and Human Services. The Department of Health and Human Services had indicated it lacked the staff to enforce the disclosure by doctors of their ownership in other health care facilities to which they may refer patients. The original bill required fines and suspension of licenses to force the disclosure. The amendment requires the license application to include such disclosures. If the license is not sufficiently filled out, it will not be granted or could be suspended. False information on the license application shall be subject to perjury. Vote 15-0.

Amendment (0200h)

Amend the bill by replacing all after the enacting clause with the following:

1 Disclosure to Respective Boards; Ownership Interest. RSA 125:25-c is repealed and reenacted to read as follows:

125:25-c Disclosure to the Licensing Authority.

I. Notwithstanding any other section of the law, any health care practitioner who has an ownership interest in an entity which provides diagnostic or therapeutic services shall disclose such interest to the appropriate licensing authority regardless of whether any referrals are provided to the health care practitioner's entity or any other entity. In the disclosure to the appropriate licensing authority, the health care practitioner shall list all diagnostic and therapeutic services provided by any entity in which the health care practitioner has an ownership interest. Disclosure of ownership, as well as the percentage of ownership interest in each entity or entities, shall be made upon application for and renewal of the health care practitioner's license, on the application and renewal form.

II. An entity which provides diagnostic and therapeutic services shall include services provided by an entity within a hospital, but which is not owned by the hospital.

III. This section shall not apply to in-office ancillary services.

IV. Failure to report such ownership interest may result in the suspension of one's professional license or registration. Any applicant who falsifies disclosure information shall be subject to perjury.

2 Repeal. RSA 125:15-a, VIII, relative to rulemaking for certain disclosures, is repealed.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill requires a health care practitioner to report an ownership interest in certain health care facilities and businesses to their respective licensing boards instead of the department of health and human services.

Rep. Price declared a conflict of interest and did not participate.

HB 654-FN-L, prohibiting the sale or resale of goods or services produced using inmate labor. **INEXPEDIENT TO LEGISLATE.**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: After reviewing concerns of the committee, it appears the Grafton County Commissioners have resolved any issues surrounding the sale of produce grown at the county farm using inmate labor. Passage of this bill would impact all ten county jails and the four state prisons in New Hampshire. Vote 15-0.

HB 673-FN, making it a felony to knowingly transmit the human immunodeficiency virus or hepatitis to another person. **INEXPEDIENT TO LEGISLATE.**

Rep. William V. Knowles for Criminal Justice and Public Safety: A case was decided in Rockingham Superior Court in which a man was charged with second degree assault with a deadly weapon for having unprotected sex while infected with H.I.V. without informing his partner in sex of his condition until after the event. The material elements in this case alleged in his indictment were: (1) a reckless mental state; (2) causing bodily injury (psychological); and (3) using a deadly weapon. He pled guilty and was sentenced 3-7 years. Prosecutors feel this decision will form a standard and that additional legislation is not necessary. Vote 14-1.

HB 292, establishing a procedure for a town to withdraw from a 3-town school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for Education: The committee retained this bill to monitor a situation in Mason. During the summer, the local parties resolved their local issue making this legislation unnecessary. Vote 15-0.

HB 297-FN, relative to charter schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire D. Clarke for Education: The committee felt that the appropriate vehicle for any amendments to charter school language should be HB 76, in order to prevent duplication of provisions within bills. Therefore elements of this bill as it relates to direct payment to Charter Schools by the state were incorporated into HB 76. Vote 19-0.

HB 606-FN-A-L, revising the calculation and distribution of education funding and special education funding. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Education: The committee retained six of the seven education funding bills introduced in 2005 in order to have vehicles available to correct and/or modify HB 616 as enacted into law. One of these bills, HB 100, is being used to make technical corrections to the law as enacted in June, 2005. Only one other proposal regarding educational funding was brought forth. Consequently, this bill is not necessary. Vote 19-0.

HB 614-FN-A-L, providing for state funding of the statewide average education cost per pupil. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Education: The committee retained six of the seven education funding bills introduced in 2005 in order to have vehicles available to correct and/or modify HB 616 as enacted into law. One of these bills, HB 100, is being used to make technical corrections to the law as enacted in June, 2005. Only one other proposal regarding educational funding was brought forth. Consequently, this bill is not necessary. Vote 18-0.

HB 684-FN-L, relative to education funding and the distribution of targeted aid and transition education grants. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Education: The committee retained six of the seven education funding bills introduced in 2005 in order to have vehicles available to correct and/or modify HB 616 as enacted into law. One of these bills, HB 100, is being used to make technical corrections to the law as enacted in June, 2005. Only one other proposal regarding educational funding was brought forth. Consequently, this bill is not necessary. Vote 19-0.

HB 221, relative to eligibility for absentee ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for Election Law: This bill will permit persons who are unable to appear at a polling place during polling hours, because of employment obligations, to be considered as absent and thereby eligible for an absentee ballot. This legislation will amend the application forms to include this additional eligibility category. Vote 18-0.

Amendment (0062h)

Amend the bill by replacing all after the enacting clause with the following:

1 Absence, Religious Observance, and Disability Absentee Voting. Amend RSA 657:1 to read as follows:

657:1 Absence, Religious Observance, and Disability Absentee Voting. Any person who is absent on the day of any state election from the city, town, or unincorporated place in which he *or she* is registered to vote or who cannot appear in public on any election day because of his *or her* observance of a religious commitment or who is unable to vote there in person by reason of physical disability may vote at such elections as provided in this chapter. *A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this chapter.*

2 Absentee Voter Affidavit; Absence from City or Town. Amend RSA 657:7, II(a) to read as follows:

(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be *unable to appear at any time during polling hours at my polling place because I will be working on election day or will be otherwise* absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

3 Town Elections; Absentee Voting. Amend RSA 669:26 to read as follows:

669:26 Absentee Voting. Every town which has adopted an official ballot system for town elections as provided in RSA 669:12 or 669:13 shall provide for absentee voting. Any registered voter or armed services voter who is absent from such a town on the day of a town election, or who cannot appear in public on election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person may vote at a town election in accordance with the provisions of this section and RSA 669:27-669:29. *A person who is unable to appear at any time during polling hours at his or her polling place because an employment obligation requires the person to remain physically at work or to be in transit to or from work from the time the polls open until after the time the polls close shall be considered absent for purposes of this section and RSA 669:27-669:29.*

4 Absentee Voter Affidavit. Amend RSA 669:27, III to read as follows:

III. Envelopes of sufficient size to contain the ballots specified in paragraph I, on which shall be printed the following affidavit:

Absence. A person voting by absentee ballot because of absence from the place in which he or she is entitled to vote shall fill out and sign the following certificate:

I do hereby certify, under the penalties for voting fraud set forth below, that I am a voter in the town (city, village district, school district) of _____, New Hampshire, that I will be *unable to appear at any time during polling hours at my polling place because I will be working on election day or will be otherwise* absent on election day from said town (city, village district, school district) and will be unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and enclosed and sealed it in this envelope.

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:

I do hereby certify, under the penalties for voting fraud set forth below, that I am a voter in the town (city, village district, school district) of _____, New Hampshire, that I will be observing a religious commitment which prevents me from voting in person, or that on account of physical disability I am unable to vote in person; that I have carefully read the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the within ballot and sealed it in this envelope.

(Signature) _____

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

5 Absentee Voting; Application Forms. RSA 657:4 is repealed and reenacted to read as follows:
657:4 Forms. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

I. Absence (Excluding Absence Due to Residence Outside the Continental United States) Religious Observance, and Disability:

New Hampshire law requires that you vote in person at the polling place for your town or ward unless you:

- a. Plan to be absent on the day of the election from the city, town, or unincorporated place in which you are registered to vote.
- b. Cannot appear in public on election day because of observance of a religious commitment.
- c. Are unable to vote in person due to a disability.

RSA 657:1. Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an absentee ballot for the following election:

- _____ State Primary. I am member of the:
 - _____ Republican Party
 - _____ Democratic Party

or I am now declaring my affiliation with that party and am requesting a ballot for that party's primary.

_____ General Election

Applicant's Name _____
(Last) (First) (Middle) (DOB)

Applicant's Voting Domicile (home address): _____
(Street) (City/Town) (Zip)

Mail the ballot to me at this address: _____

I hereby declare that:

- _____ I am a duly qualified voter who is currently registered to vote in this town/ward.
- _____ I am absent from the town/city where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.
- I will be entitled to vote by absentee ballot at the election designated above because:
 - _____ I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.
 - _____ I cannot appear in public on election day because of observance of a religious commitment.
 - _____ I am unable to vote in person due to a disability.

This application form must be signed by the applicant. The absentee ballot forms you receive will require you to sign an affidavit confirming that you are entitled to vote by absentee ballot due to one of the reasons stated above. The moderator is required to compare the signature on the affidavit to your signature on this form. The absentee ballot will not be counted if the affidavit and this form do not appear to have been signed by the same person. RSA 659:50.

Signature of the Applicant: _____

II. Any person that publishes, mails, or distributes in any manner any written communication that contains a form or postcard which a reasonable person would consider as intended to be used by the recipient of the communication to submit a request for an absentee ballot shall attach a copy of the form prepared by the secretary of state pursuant to paragraph I of this section to the communication or include in the communication a complete facsimile of the form prepared by the secretary of state pursuant to paragraph I of this section. Any person that violates this paragraph shall be subject to a civil penalty not to exceed \$1,000, to be imposed in the manner set forth in RSA 659:34, III-V.

III.(a) Absence Due to Residence Outside the Continental United States:

To the city or town clerk of _____
 I, _____, hereby apply for an official absentee ballot. I am a duly qualified voter
 and entitled to vote in ward _____, city or town of _____
 Mail absentee ballot to _____

 Signature

 Street and Number

 City or Town, State and Country

(b) Overseas Voting:

To the city or town clerk of _____
 I, _____, hereby apply for an official overseas citizens federal election ab-
 sentee ballot. I am a duly qualified overseas voter and entitled to vote in federal elections held in
 the city or town of _____. Mail overseas citizens federal election absentee ballot
 to _____.

 Signature

 Street and Number

 City or Town, Province, Country

(c) Armed Services Voting:

To the town or city clerk of _____
 I, _____, hereby apply for an official armed services absentee ballot. I am:
 a. A member of the armed forces of the United States. ()
 Service Organization _____
 b. A member of the merchant marine of the United States. ()
 c. A civilian employee of the United States government serving outside the United States. ()
 d. A member of a religious group or welfare agency assisting members of the armed forces. ()
 Organization _____
 e. A spouse or dependent of a person listed in a, b, c, or d above. ()
 My complete service address is:

My (non-military) domicile in New Hampshire immediately prior to such service was: street and
 number _____ city or town _____

 Signature of Applicant

6 Effective Date.

I. Section 5 of this act shall take effect January 1, 2007.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Permits persons who are unable to appear during polling hours at the polling place because of
 employment obligation to vote by absentee ballot.

II. Modifies the application form for state election absentee ballots.

III. Requires that persons publishing absentee ballot forms attach a copy or facsimile of the form
 prepared by the secretary of state.

HB 250, permitting certain Election Day workers to vote by absentee ballot. **INEXPEDIENT TO
 LEGISLATE.**

Rep. Keith D. Hirschmann for Election Law: The legislative remedy requested in this bill was
 incorporated in HB 221 which, as amended, allows any voter who is unable to vote because of
 employment obligations, including commuting time, which would prevent one from voting while
 the polls are open to vote by absentee ballot. Vote 18-0.

HB 282, establishing a committee to study issues relating to voter registration and identification requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for Election Law: The committee retained six bills that are related to the subjects of voter registration and voter identification, including this bill that would establish a committee to study those issues and report findings and recommendations to the legislative leadership. The subcommittee that was established to consider those bills conducted a wide-ranging inquiry into voter registration and voter identification issues. Its efforts included receiving testimony from representatives of state and local agencies as well as interested citizens, reviews of laws and materials from the federal government and other states, and discussions among subcommittee members during many work sessions. As a consequence of these studies and deliberations, the subcommittee recommended various reforms that have been incorporated as amendments into the five other bills and have been adopted by a majority of the Election Law Committee for recommendations to the House. Once these reforms are put into practice, a subsequent session of the legislature should consider whether further study and recommendations are required. Vote 18-0.

HB 349, relative to placement and removal of political advertising. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Janet F. Allen for Election Law: This bill, as amended, allows removal of political advertising on private property without 24 hour notice to the candidate by the police. It eliminates the date requirements for placement of political signs on private property and allows for placement of political advertising on highway rights-of-way with the permission of the landowner. It states that signs shall not be placed on or affixed to utility poles. Vote 17-0.

Amendment (0027h)

Amend the bill by replacing section 1 with the following:

1 Placement and Removal of Political Advertising. Amend RSA 664:17 to read as follows:
 664:17 Placement and Removal of Political Advertising. No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. ~~[The earliest date on which political advertising may be placed or affixed shall be the last Friday in July prior to a state primary. All political advertising shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary.]~~ *Signs shall not be placed on or affixed to utility poles or highway signs. Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes.* No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper advertising~~[: provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate 24 hours to remove the advertisement himself].~~ *Political advertising placed on or affixed to any public property may be removed by state, city, or town maintenance or law enforcement personnel. Political advertising removed prior to election day by state, city, or town maintenance or law enforcement personnel shall be kept for one week at a place designated by the state, city, or town so that the candidate may retrieve the items.*

AMENDED ANALYSIS

This bill:

- I. Establishes procedures for the removal of political advertising placed on public property.
- II. Eliminates the requirement that law enforcement provide 24-hour notice to a candidate before removing political advertising improperly placed on private property.
- III. Eliminates the date requirements for placement of political advertising.
- IV. Permits the placement of political advertising in state-owned rights-of-way under certain circumstances.

HB 482-FN, relative to the application form for absentee ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: Action relative to absentee ballots was taken up in HB 221. Vote 18-0.

SB 13, relative to placement and removal of political advertising. **INEXPEDIENT TO LEGISLATE.** Rep. Janet F. Allen for Election Law: The language in this bill was incorporated into the amendment of HB 349. Vote 17-0.

HB 331, establishing a committee to study stock and working dogs for agricultural purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G. Phinizy for Environment and Agriculture: This bill was retained in committee, as Environment and Agriculture felt it could best address this issue without having to establish a "study committee." The bill, as amended, clarifies the use of dogs for agricultural purposes, specifically guarding and herding livestock. As city and suburban development encroach on farms, it has become increasingly necessary to clarify and differentiate between rural and urban usage. This bill protects the ability of farmers to manage livestock without being in violation of statute while using dogs for agricultural purposes. Vote 13-0.

Amendment (0040h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to restraining dogs and relative to livestock working dogs.

Amend the bill by replacing all after the enacting clause with the following:

1 Dog Control Law; Working Livestock Dogs Exempt. Amend RSA 466:30-a, I to read as follows:

I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, for *guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), for* supervised competition and exhibition, or *for* training for such. For the purpose of this section, "accompanied" means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, [~~herding, or~~] where training is being conducted [~~or~~], where trials are being held, *or where the dog is guarding, working, or herding livestock*. Nothing herein provided shall mean that the dog must be within sight at all times.

2 Working Livestock Dogs and Dogs at Home not a Menace. Amend RSA 466:31, II(a)-(e) to read as follows:

(a) If a dog is "at large," which means it is off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian. This subparagraph shall not include a dog which is being used for hunting, [~~herding,~~] supervised competition, [~~or~~] exhibition, or training for such activities if accompanied by the owner or custodian, *or a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4)*, meaning that the owner or custodian must be able to see or hear the dog, or have reasonable knowledge of where the dog is hunting or herding, or where training is being conducted or where trials are being held, provided that such dog does not have to be within sight at all time;

(b) If it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, *not including a dog which is guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4)*;

(c) If it digs, scratches, or excretes, or causes waste or garbage to be scattered on property other than its owner's;

(d) If any female dog in season (heat) is permitted to run at large or be off the premises of the owner or keeper during this period except when being exercised on a leash by a responsible adult. At all other times such dog shall be confined within a building or enclosure in such manner that she will not come in contact (except for intentional breeding purposes) with a male dog. A female dog in heat shall not be used for hunting;

(e) If it growls, snaps at, runs after, or chases any person or persons *not on the premises of the owner or keeper*;

3 Dogs at Large; Working Livestock Dogs Exempt. Amend RSA 466:33 to read as follows:

466:33 Dogs at Large. It shall be unlawful for the owner or custodian of any dog to permit such dog to run at large in territory inhabited by game birds or quadrupeds, or on lands where livestock is pastured, at any time of the year; provided that hares and rabbits may be hunted with dogs during the open season [~~therefor~~] under the owner's control and supervision. Any organized club may hold a club licensed or sanctioned field trial on game which is otherwise protected. Said club shall secure permission from the owner of the land on which said trial is to be held, and shall notify the

executive director of the fish and game department at least 2 weeks in advance of the date and place of the trial. Whoever violates the provisions of this section shall be guilty of a violation. ***Dogs which are guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4), shall be exempt from this section.***

4 Livestock Working Dogs Added to Dogs Wearing Rabies Vaccination Tag. Amend RSA 436:102 to read as follows:

436:102 Duties of Veterinarian. It shall be the duty of each veterinarian, at the time of vaccinating any dog, cat, or ferret, to complete a certificate of rabies vaccination in triplicate which includes the following information: owner's name and address, description of dog, cat, or ferret (breed, sex, markings, age, name), date of vaccination, rabies vaccination tag number, type of rabies vaccine administered, manufacturer's serial number of vaccine, and the expiration date of the vaccination. Distribution of copies of the certificate shall be: the original to the owner, one copy retained by the issuing veterinarian and, within 40 days of the vaccination, one copy to the town or city clerk where the dog, cat, or ferret is kept. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in RSA 436:100. A metal or durable plastic tag, serially numbered, shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, off the owner's premises, and not under the control of the owner or handler while working the dog, the collar or harness with the vaccination tag shall be worn. For the purposes of this section, "working the dog" means a dog doing a defined functional canine activity with its owner or handler such as hunting, field work, drafting, and ***guarding, working, or herding livestock, as defined in RSA 21:34-a, II(a)(4)***, or participating in any lawful competitive event, including, but not limited to, conformation shows or obedience trials, field trials, agility events, hunts, sled races, or training activities pertinent to functional canine activities. Cats and ferrets shall not be required to wear the collar or harness with the tag.

5 New Subparagraph; Definition of Farming; Livestock Working Dogs Added. Amend RSA 21:34-a, II(b) by inserting after subparagraph (6) the following new subparagraph:

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds dogs who are guarding, working, or herding livestock to:

- I. Dogs that must be accompanied by an owner or custodian.
- II. The exceptions from dogs at large.
- III. The requirements for wearing a rabies vaccination tag.
- IV. The definition of "farming."

HB 538, relative to disposing of construction and demolition debris. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The amendment replaces the bill. It extends the 40% solid waste reduction goal date from 2000 to 2008 and introduces deconstruction into the solid waste hierarchy established in RSA 149-M:3. Vote 17-0.

Amendment (0167h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to deconstruction of structures.

Amend the bill by replacing all after the enacting clause with the following:

1 Waste Reduction Goal. Amend RSA 149-M:2, I to read as follows:

I. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled, or composted. The general court declares that the goal of the state, by the year ~~2000~~ **2008**, is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated and subsequently landfilled or incinerated in New Hampshire. The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods. The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators ***and encourages the use of deconstruction techniques wherever possible.***

2 Solid Waste Hierarchy. Amend RSA 149-M:3, II to read as follows:

II. Recycling and reuse, *including deconstruction*.

3 New Paragraph; Definitions; Deconstruction. Amend RSA 149-M:4 by inserting after paragraph IV the following new paragraph:

IV-a. "Deconstruction" means the process of taking apart a structure with the primary goal of preserving the value of all useful building materials, so that the may be recycled or reused.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill modifies the solid waste goals and hierarchy.

HB 544, relative to the land and community heritage program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Derek Owen for Environment and Agriculture: This bill provides for limited restricted access for lands acquired for term easements under the Community Heritage Investment Program. Restrictions include camping by members of the public and during times of the growing season, and planting on cropland and harvesting, and forestry land during harvesting or establishing a plantation. Vote 16-0.

Amendment (0227h)

Amend the bill by replacing section 2 with the following:

2 Community Heritage Investment Program; Public Access. Amend RSA 227-M:15, I to read as follows:

I. There is hereby conveyed pedestrian access to, on, and across the property for hunting, fishing, and transitory passive recreational purposes, but not camping, by members of the public. A grantor may reserve the right to post against vehicles, motorized or otherwise and against ~~hunting or~~ *access to* active livestock fields, against access to agricultural cropland during planting and growing season, and against access to forest land during harvesting or establishment of plantations. *Such term easements as described in RSA 227-M:2, IV will be granted where participation in such program fosters farm viability entered into by the authority or the department of agriculture, markets, and food.*

AMENDED ANALYSIS

This bill provides that easements acquired by the land and community heritage investment authority or the department of agriculture, markets, and food shall foster farm viability.

HB 578, relative to construction or development constituting a change in use for purposes of assessing the land use change tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald R. Philbrick for Environment and Agriculture: This bill clarifies the criteria in RSA 79-A to assessing officials when land comes out of current use and is subject to the land use change tax. It also permits the vice chair of the current use board to act in the absence of the chair. Vote 18-0.

Amendment (0159h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Current Use Advisory Board; Vice Chair. Amend RSA 79-A:3, IV to read as follows:

IV. The board shall annually elect ~~[one of its members as chairman]~~ *from its members a chair and a vice-chair who shall serve in the chair's absence with all associated responsibilities, including rulemaking.*

2 New Section; Current Use; Contiguous Parcels. Amend RSA 79-A by inserting after section 4 the following new section:

79-A:4-a Contiguous Parcels.

I. Parcels of land that are contiguous and under the same ownership, as defined by the board, shall be considered one tract of land for purposes of determining whether any area within such tract meets the criteria for open space land established by the board. This standard shall be applied when determining:

- (a) Eligibility for current use assessment under RSA 79-A:5; and
- (b) The existence and extent of a change in use under RSA 79-A:7.

II. Paragraph I shall apply to contiguous parcels whether or not they are part of a subdivision or other similar type of development.

3 Current Use; Land Use Change Tax. Amend RSA 79-A:7 to read as follows:
79-A:7 Land Use Change Tax.

I. Land which has been classified as open space land and assessed at current use values on or after April 1, 1974, pursuant to this chapter shall be subject to a land use change tax when it is changed to a use which does not qualify for current use assessment. *Except as otherwise provided for in this section, a change in use has occurred to any portion of land under current use assessment if it no longer meets the criteria for open space land established by the board due either to actual physical changes made to such land or minimum acreage requirements not being met. Unless the change in use is due to not meeting minimum acreage requirements, only the land area on which the actual physical changes took place shall be considered changed in use. The amount of land which has changed in use under this section shall be determined according to rules adopted pursuant to RSA 541-A by the chair of the board, based upon the recommendation of the board. A change in use shall occur only as provided for in this section and land not changed in use shall remain under current use assessment.*

I-a. Notwithstanding the provisions of RSA 75:1, the tax shall be at the rate of 10 percent of the full and true value determined without regard to the current use value of the land which is subject to a non-qualifying use or any equalized value factor used by the municipality or the county in the case of unincorporated towns or unorganized places in which the land is located. Notwithstanding the provisions of RSA 76:2, such assessed value shall be determined as of the ~~[actual]~~ *date [of the change in land use] prescribed in paragraph I-b* if such date is not April 1. This tax shall be in addition to the annual real estate tax imposed upon the property ~~[-and shall be due and payable upon the change in land use-]~~. Nothing in this paragraph shall be construed to require payment of an additional land use change tax when the use is changed from one non-qualifying use to another non-qualifying use.

~~[I-a. Land which is classified as open space land and assessed at current use values shall be assessed at current use values until a change in land use occurs pursuant to RSA 79-A:7, IV, V, or VI.]~~

I-b. The full and true value of land that has changed in use shall be based on its highest and best use as of the date the actual physical change began or the minimum acreage requirements were not met. The date upon which actual physical change began on a specific parcel of land shall be when road construction, utility installation, site excavation or grading, or any other act on such parcel integral to a construction or building project commenced, provided that all required local, state, or federal approvals were received prior to the commencement of activities. In the event that these activities commenced prior to receipt of all required approvals, the assessing officials may delay the assessment of the land use change tax until all required approvals have been secured, or illegal actions remedied. In addition, the assessing officials may determine the full and true value of such land based on the highest and best use of the land as of this later time.

I-c. The provisions of this section shall be applied in the same manner whether a construction or building project takes place on a solitary parcel or on one that is part of a subdivision or other similar type of development.

II. The land use change tax shall be due and payable by the owner at the time of the change in use to the town or city in which the property is located. If the property is located in an unincorporated town or unorganized place, the tax shall be due and payable by the owner at the time of the change in use to the county in which the property is located. Moneys paid to a county from the land use change tax shall be used, in addition to any other funds, to pay for the cost of the services provided in RSA 28:7-a and RSA 28:7-b. The land use change tax shall be due and payable according to the following procedure:

(a) The commissioner shall prescribe and issue forms to the local assessing officials for the land use change tax bill which shall provide a description of the property which is subject to a non-qualifying use, the RSA 75:1 full value assessment, and the tax payable.

(b) The prescribed form shall be prepared in quadruplicate; the original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the land use

change tax along with a special tax warrant authorizing the collector to collect the land use change tax assessed under the warrant; the quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the land use change tax warrant and the prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice thereof. Such bill shall be mailed, at the latest, within 12 months of the date upon which the local assessing officials receive written notice of the change of use from the landowner or his agent, or within 12 months of the date the local assessing officials actually discover that the land use change tax is due and payable. Upon receipt of payment, the collector shall forward the original tax bill to the register of deeds of the county in which the land is located for the purpose of releasing recorded contingent liens required under RSA 79-A:5, VI. The tax bill shall state clearly whether all, or only a portion, of the land affected by the notice of contingent lien is subject to release. The recording fee charged by the register of deeds shall be paid by the owner of the land in accordance with the fees to which the register of deeds is entitled under RSA 478:17; 478:17-f or 478:17-g, I as applicable.

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum shall be due thereafter on any taxes not paid within the 30-day period.

(e) All land use change tax assessments levied under this section shall, on the date of the change in use, create a lien upon the lands on account of which they are made and against the owner of record of such land. Furthermore, such liens shall continue for a period of 18 months following the date upon which the local assessing officials receive written notice of the change of use from the landowner or his agent, or the date the local assessing officials actually discover that the land use change tax is due and payable, and such assessment shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.

(f) Thereafter, the land which has changed to a use which does not qualify for current use assessment shall be taxed at its full RSA 75:1 value. The land shall again become eligible for current use assessment if it meets the open space criteria established by the board under RSA 79-A:4, I.

III. Whenever land of nonuniform value shall be subject to the land use change tax under this section, or whenever the full value assessment for the land subject to the tax shall not be readily available then the local assessing officials shall assess the RSA 75:1 full value of such land and the land use change tax shall be paid upon such assessed value.

IV. ~~For purposes of this section land use shall be considered changed and the land use change tax shall become payable when:~~

~~(a) Actual construction begins on the site causing physical changes in the earth, such as building a road to serve existing or planned residential, commercial, industrial, or institutional buildings; or installation of sewer, water, electrical or other utilities or services to serve existing or planned residential, commercial, industrial, institutional or commercial buildings; or excavating or grading the site for present or future construction of buildings; or any other act consistent with the construction of buildings on the site; except that roads for agricultural, recreational, watershed or forestry purposes are exempt;~~

~~(b) Topsoil, gravel or minerals are excavated or dug from the site; except:~~

~~(a) In addition to the provisions of paragraph I, land use shall be considered changed when topsoil, gravel, or minerals are excavated or dug from a site; except:~~

~~(1) Removal of topsoil in the process of harvesting a sod farm crop in amounts which will not deplete the topsoil; and~~

~~(2) Removal of gravel and other materials for construction and maintenance of roads and lands for agricultural and forestry purposes within the qualifying property of the owner or, with the approval of local authorities, to other qualifying property of the owner.~~

~~(b) Sale of excavated materials shall constitute a land use change of the property from which the material was excavated. The site shall be reclaimed when the construction or maintenance project is completed to mitigate environmental and aesthetic effects of the excavation. Both project completion time and acceptability of reclamation shall be determined by local authorities. The owner shall keep local officials informed in writing of plans to remove and use of soil material from qualifying lands for purposes of this subparagraph and to assure conformance with any local ordinances, as well as plans for reclamation of the site. Fully reclaimed land shall be eligible for current use assessment if it meets open space criteria established by the board under RSA 79A:4, I, whether or not such land was under current use assessment prior to the excavation.~~

(c) By reason of size, the site no longer conforms to criteria established by the board under RSA 79-A:4, I.]

V. [The amount of land which has changed to a use which does not qualify for current use assessment and on which the land use change tax shall be assessed in the circumstances delineated in RSA 79-A:7, IV shall be according to rules adopted pursuant to RSA 541-A by the chairman of the board, based upon the recommendation of the board. Except in the case of land which has changed to a use which does not qualify for current use assessment due to size, only the number of acres on which an actual physical change has taken place shall become subject to the land use change tax, and land not physically changed shall remain under current use assessment, except as follows:

(a) When a road is constructed or other utilities installed pursuant to a development plan which has received all necessary local, state or federal approvals, all lots or building sites, including roads and utilities, shown on the plan and served by such road or utilities shall be considered changed in use, with the exception of any lot or site, or combination of adjacent lots or sites under the same ownership, large enough to remain qualified for current use assessment under the completed development plan; provided, however, that if any physical changes are made to the land prior to the issuance of any required local, state or federal permit or approval, or if such changes otherwise violate any local, state or federal law, ordinance or rule, the local assessing officials may delay the assessment of the land use change tax until any and all required permits or approvals have been secured, or illegal actions remedied, and may base the land use change tax assessed under RSA 79-A:7 upon the land's full and true value at that later time.

(b) When land, though not physically changed, is used in the satisfaction of density, setback, or other local, state or federal requirements as part of a contiguous development site, such land shall be considered changed in use at the time the development site is changed in use.

VI. [For purposes of this section,] Land use shall not be considered changed [and the land use change tax shall not be assessed] when:

(a) Land under current use is taken by eminent domain or any other type of governmental taking which would cause the use change penalty to be invoked because, by reason of an actual physical change or by reason of size, the site no longer conforms to criteria established by the board under RSA 79-A:4, I.

(b) Land abutting a site taken by eminent domain or any other governmental taking upon which construction is in progress is used to stockpile earth taken from the construction site. Stockpiled earth may be removed at a later date after written notification to the appropriate local official.

(c) Land accorded current use assessment in one category is changed in use to any other qualifying category.

(d) Land under current use assessment is eligible for conservation restriction assessment pursuant to RSA 79-B. Such land shall then be allowed to change from current use assessment to conservation restriction assessment with no land use change tax being applied.

(e) *Roads are constructed for agricultural, recreational, watershed, or forestry purposes.*

VII. When land which is accorded current use assessment in one category is changed in use to any other qualifying category as provided in subparagraph VI(c), the owner of the land shall notify the local assessing officials in writing of the change in use at the time that the change in use is made. If a land owner fails to provide the notice required under this paragraph, he may be fined not more than \$50 at the discretion of the town or city.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the criteria for the determination by assessing officials of when current use land being developed is subject to the land use change tax.

The bill also permits the vice-chair of the current use board to act in the chair's absence.

HB 632-FN-L, creating an environmental policy for New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The primary objective of this bill is to establish a comprehensive environmental policy for New Hampshire, ensuring interagency communication and collaboration, not only at agency levels, but also with the citizens of New Hampshire. The current bill is too broad, subjective, and is not crafted to reflect existing agency interactions. It needs to be resubmitted in a form that is tailored to the needs of New Hampshire, that takes into account ongoing communication between state agencies, and that is in a form that could obtain majority support in the General Court. Vote 16-2.

HB 659-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages. **INEXPEDIENT TO LEGISLATE.** Rep. Burton W. Williams for Environment and Agriculture: This bill is similar to other bills being considered to enhance the state's recycling program. It only targets the fast food industry. Trying to define fast food establishments from the local deli to the major chains would be difficult at best. Vote 17-0.

HB 663-FN, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Burton W. Williams for Environment and Agriculture: This bill tries to address two entirely different subjects, both of which are being addressed in other separate bills. Vote 17-0.

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: This bill will establish a definition, education standards, and standards of practice for collaborative pharmacy practice between a pharmacist and a health care provider with patient agreement in specific settings (hospitals, long term care facilities, licensed inpatient or outpatient hospice settings, as well as ambulatory care clinics with on-site supervision by the attending practitioner and with a collaborating pharmacist who has no connection to any on-site pharmacy). The change in pharmacy practice is very limited and reflects modern health care practice in current institutionally related care. The definition of the "practice of pharmacy" has also been updated to reflect changes required by federal initiatives such as the new Medicare Part D Pharmaceutical benefit. It is the intent of this legislation to bring carefully specified changes in the Pharmacy Practice Act, which will enhance patient care and bring about better collaboration between the health care practitioner, the pharmacist and the patient. Vote 14-4.

Amendment (0184h)

Amend the bill by replacing all after the enacting clause with the following:

1 Pharmacists; Definition of Practice; Administration of Drugs. Amend RSA 318:1, XIV to read as follows:

XIV. "Practice of pharmacy" means the professional acts performed by a pharmacist and shall include the interpretation and evaluation of prescription orders; the *administration*, compounding, dispensing, labeling and distribution of drugs and devices; the participation in drug selection ~~[and drug utilization reviews]~~ *and drug-related device selection; drug evaluation; utilization or regimen review; the monitoring of drug therapy and use; medication therapy management in accordance with collaborative pharmacy practice agreements*; the proper and safe storage and distribution of drugs and devices, and the proper maintenance of proper records; the responsibility of advising, when necessary or when regulated, of therapeutic values, hazards, and use of drugs and devices; and the offering or performing of these acts, services, operations, or transactions necessary in the conduct, operation, management, and control of pharmacy.

2 Pharmacists; Definition; Prescription. Amend RSA 318:1, XVI to read as follows:

XVI. "Prescription" means a verbal, or written, or facsimile or electronically transmitted order for drugs, medicines and devices by a licensed practitioner, to be compounded and dispensed by licensed pharmacists in a duly registered pharmacy, and to be kept on file for a period of 4 years. A written order shall include an electronic transmission prescription received and retained in a form complying with rules adopted pursuant to RSA 319:5-a, XV. Prescriptions may also apply to the finished products dispensed *or administered* by the licensed pharmacist in the registered pharmacy, on order of a licensed practitioner as defined in this section.

3 New Paragraphs; Pharmacists; Definitions Added; Collaborative Practice. Amend RSA 318:1 by inserting after paragraph XXIV the following new paragraphs:

XXV. "Attending practitioner" means the physician or advanced registered nurse practitioner who has the primary responsibility for the treatment and care of the patient.

XXVI. "Collaborative pharmacy practice" means the practice of pharmacy whereby one or more pharmacists jointly agree, on a voluntary basis, to work in conjunction with one or more attending practitioners under written protocol whereby the collaborating pharmacist or pharmacists may perform medication therapy management authorized by the attending practitioner or practitioners under certain specified conditions and limitations.

XXVII. "Collaborative pharmacy practice agreement" means a written and signed specific agreement between a pharmacist, an attending practitioner, and the patient or patient's authorized representative who has granted his or her informed consent, that provides for collaborative pharmacy practice for the purpose of medication therapy management for the patient.

XXVIII. "Medication therapy management" means the review of medication therapy regimens of patients by a pharmacist for the purpose of evaluating and rendering advice to a practitioner, or evaluating and modifying the medication regimen in accordance with the collaborative pharmacy practice agreement. Decisions involving medication therapy management shall be made in the best interest of the patient. Medication therapy management shall be limited to:

(a) Implementing, modifying, and managing medication therapy according to the terms of the collaborative pharmacy practice agreement;

(b) Collecting and reviewing patient histories within the context of needs for pharmacy practice;

(c) Obtaining and checking vital signs, such as pulse, temperature, blood pressure and respiration;

(d) Ordering laboratory tests as specifically set out in the collaborative pharmacy practice agreement between the pharmacist and the attending practitioner that are specific to the medication or protocol driven;

(e) Formulating a medication treatment plan that will be shared with the patient's attending practitioner;

(f) Monitoring and evaluating the patient's response to therapy, including safety and effectiveness;

(g) Performing a comprehensive medication review, in conjunction with the attending practitioner, to identify, resolve, and prevent medication-related problems, including adverse drug events;

(h) Documenting the care delivered and, if applicable, communicating essential information to the patient's other health care providers; and

(i) Providing education and training designed to enhance patient understanding and the appropriate use of his or her medications.

4 New Paragraph; Rulemaking Added; Pharmacy Board. Amend RSA 318:5-a by inserting after paragraph XVI the following new paragraph:

XVII. The education and training standards and other requirements for pharmacists who, pursuant to prescriber-approved protocol:

(a) Administer prescription medications, including influenza immunizations.

(b) Engage in collaborative pharmacy practices.

5 New Paragraph; Prescription Drugs. Amend RSA 318:42 by inserting after paragraph VII-a the following new paragraph:

VII-b. The management of medication therapy and administration of non-controlled prescription drugs including injectable medications, biologicals, and immunizations by qualified pharmacists pursuant to collaborative pharmacy practice agreements.

6 New Section; Standards for Collaborative Pharmacy Practice. Amend RSA 318 by inserting after section 16 the following new section:

318:16-a Standards for Collaborative Pharmacy Practice.

I. For a pharmacist to participate in a collaborative pharmacy practice agreement, the pharmacist shall:

(a) Hold an unrestricted and current license to practice as a pharmacist in New Hampshire.

(b) Have at least \$1,000,000 of professional liability insurance coverage.

(c) Have earned a Pharm.D. degree or completed 3 years of institutional clinical experience as a licensed pharmacist.

(d) Complete at least 5 contact hours or 0.5 continuing education units of board approved continuing education each year. Such continuing education shall address the area or areas of practice generally related to the collaborative pharmacy practice agreement or agreements. The continuing education hours may be applied to the requirements for licensure as a pharmacist in this state.

(e) In order to administer drugs by injection, have completed training that includes programs approved by the Accreditation Council on Pharmacy Education (ACPE) or curriculum-based programs from an ACPE accredited college of pharmacy or state or local health department programs or programs recognized by the board.

II. Collaborative pharmacy practice agreements shall meet the following general requirements:

(a) Each protocol developed, pursuant to the collaborative pharmacy practice agreement, shall contain detailed direction concerning the services that the pharmacist may perform for that patient. The protocol shall include, but not be limited to:

(1) The specific drug or drugs to be managed by the pharmacist.

(2) The terms and conditions under which drug therapy may be implemented, modified, or discontinued.

(3) The conditions and events upon which the pharmacist is required to notify the collaborating practitioner.

(4) The laboratory tests that may be ordered in accordance with medication therapy management.

(5) In instances where drug therapy is discontinued, the pharmacist shall notify the collaborating practitioner of such discontinuance in the time-frame and manner established by the collaborative pharmacy practice agreement.

(6) All activities performed by the pharmacist in conjunction with the protocol shall be documented as specified in the protocol.

(b) The collaborative pharmacy practice agreement and protocols shall be on file at the pharmacist's place of practice. The collaborative pharmacy practice agreement and protocols shall be available to the appropriate licensing board for review upon request.

(c) Collaborative pharmacy practice agreements shall be reviewed, at least every 2 years, by both the pharmacist and the practitioner, and may be terminated, in writing, by either party. When collaborative pharmacy practice agreements are terminated, the patient shall be informed and provided with details to allow for the uninterrupted continuation of his or her medication therapy management regimen.

(d) Neither the attending practitioner nor the pharmacist in a collaborative practice agreement may seek to gain personal financial benefit by participating in any incentive based program that influences or encourages therapeutic or product changes or the ordering of tests or services.

III. A collaborative pharmacy practice agreement that complies with all the requirements of this section shall only be allowed in the following settings:

(a) Hospitals.

(b) Long-term care facilities.

(c) Licensed inpatient or outpatient hospice settings.

(d) Ambulatory care clinics with onsite supervision by the attending practitioner and with a collaborating pharmacist who has no connection to any onsite retail pharmacy.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows licensed pharmacists to enter into collaborative practice agreements with medical practitioners for certain patient care functions. The bill defines terms and adopts standards for such collaborative practice agreements.

HB 156, relative to licensing private investigators. INEXPEDIENT TO LEGISLATE.

Rep. Judson K. Dexter for Executive Departments and Administration: Much of the subject matter of this bill is included in HB 455, which has been recommended for Interim Study. Therefore, this bill is not needed at this time. Vote 20-0.

HB 256, revising the nurse practice act. INEXPEDIENT TO LEGISLATE.

Rep. Judson K. Dexter for Executive Departments and Administration: This bill was retained depending on the outcome of SB 170, which passed with amendment. Therefore this bill is no longer needed. Vote 20-0.

HB 426, establishing a committee to study the transfer of a certain employee of the department of environmental services. INEXPEDIENT TO LEGISLATE.

Rep. Carl G. Robertson for Executive Departments and Administration: This bill has become a moot point since the employee has been transferred back to her original job. Some members of the committee wanted to use this bill to send a message that state workers should not be subject to political retribution for doing their job. However, the majority of the committee felt that the wrong had been corrected. Vote 19-1.

HB 455-FN, relative to establishing a board of private investigation and security services. **REFER FOR INTERIM STUDY.**

Rep. Judson K. Dexter for Executive Departments and Administration: The full committee and subcommittee spent many hours reviewing mountains of information on the need to create a standalone board for private investigators. It was abundantly clear that the time has come to establish a board, but time did not allow us to work out all the details to come forward with a final amendment. Vote 20-0.

HB 598-FN, establishing a full-time financial exploitation coordinator in the department of justice. **REFER FOR INTERIM STUDY.**

Rep. Janeen A. Dalrymple for Executive Departments and Administration: The committee supports the need to coordinate local and statewide efforts to combat financial exploitation. A commission was established through the Department of Health and Human Services (DHHS) and has taken an active role in addressing this very important issue. As a result of the accomplishments of this commission, the E.D & A. Subcommittee, because of new information received, has requested to continue its work in Interim Study. Vote 15-0.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Coburn for Executive Departments and Administration: This bill makes various changes to the board of mental health practice procedures for handling complaints, conducting investigations, and holding hearings, as well as adding an additional public member to the board. A major area of legislative intent of this bill is to improve public disclosure of complaints, status of investigations and monitoring closure of complaints. The amendment satisfied both the board and the public. Vote 18-0.

Amendment (0171h)

Amend the bill by replacing all after the enacting clause with the following:

1 Board; Public Members Added. Amend RSA 330-A:3, I to read as follows:

I. There shall be a board of mental health practice composed of the following members: one licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one licensed marriage and family therapist, one licensed clinical mental health counselor, and ~~[2]~~ 3 public members. The members shall be appointed to a term of 3 years by the governor with the approval of the council. The members of the board shall elect a chairperson on an annual basis. No discipline's representative and no public member shall serve as chairperson for consecutive terms.

2 Advisory Committees. Amend RSA 330-A:4 to read as follows:

330-A:4 Advisory Committees Established; Duties.

I. The board shall ~~[have the authority to]~~ create *an* advisory ~~[committees]~~ *committee* for each mental health discipline it licenses for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and ~~[VI-XIV]~~ *RSA 330-A:10, VI-XVI*. The board member of each mental health discipline shall serve as the chair of that advisory committee. The balance of the membership of each of the advisory committees shall be composed of ~~[members nominated by the New Hampshire Psychological Association, the New Hampshire Pastoral Psychotherapists Association, the New Hampshire Chapter of the National Association of Social Workers, the New Hampshire Association for Marriage and Family Therapists, and the New Hampshire Clinical Mental Health Counselors Association]~~ *at least 2 persons and no more than 4 persons licensed in the mental health discipline of that committee.*

II. ~~[The advisory committees shall be composed of at least 3 persons and no more than 5 persons, including the chair, all of whom shall be licensed in their applicable professions. No]~~ Advisory committee ~~[member shall serve more than 2 consecutive 3-year terms]~~ *members other than the chair shall be appointed by the board and shall serve at the pleasure of the board for no more than 3 consecutive, 2-year terms.*

III. *The board shall not form any standing committees other than those specified in this chapter.*

3 New Paragraph; Administrative Members. Amend RSA 330-A:6 by inserting after paragraph I the following new paragraph:

I-a. Each non-public member of the board and all licensed mental health professionals performing board-related duties otherwise immune from civil action pursuant to RSA 330-A:27, IV shall comply with and be subject to all provisions of this chapter and that licensee's professional ethical code in performing board-related duties.

4 Compensation. Amend RSA 330-A:7 to read as follows:

330-A:7 Compensation; Expenses. Members of the board ~~[shall serve without compensation, but]~~ *and members of the advisory committees shall receive a per diem compensation of \$100, for a meeting or any other board or committee activity requiring 2 or more hours in a 24-hour period,* and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

5 Meetings Quorum. Amend RSA 330-A:9 to read as follows:

330-A:9 Organization and Meetings.

I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. ~~[A majority of the board]~~ *Five members* shall constitute a quorum.

II. When a quorum is not available for just and timely resolution of a specific matter, former board members or advisory committee members may be appointed by the board to serve as acting board members for purposes of obtaining the minimum quorum in the resolution of that specific matter.

6 New Paragraph; Rulemaking; Other States. Amend RSA 330-A:10 by inserting after paragraph I the following new paragraph:

I-a. Procedures for expedited licensure for applicants from other states who qualify under RSA 330-A:26.

7 New Paragraph; Rulemaking; Disclosure. Amend RSA 330-A:10 by inserting after paragraph XXII the following new paragraph:

XXIII. Procedures relative to the disclosure to the public of the existence and status of complaints, and the final disciplinary actions by the board, including those action that occur without holding a public hearing. The rules shall provide that such disclosure shall take place within 3 business days of the initiation of an investigation of a complaint, update of investigation status, and final disciplinary action by the board.

8 Records. Amend RSA 330-A:13, I to read as follows:

I. The board shall keep records of its proceedings and ~~[a register]~~ *separate registers* of all applications for licensure *and all complaints filed against licensees*. Such records shall show information relative to the ~~[applicant and the applicant's licensure or rejection]~~ *application or complaint and the board's response to the application or complaint, without disclosing the identity of those involved,* as the rules of the board may prescribe. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

9 Investigations. Amend RSA 330-A:28, I and II to read as follows:

I. The board ~~[may]~~ *shall* investigate possible misconduct by licensees and other matters within the scope of this chapter. Investigations may be conducted formally, after issuance of a board order setting forth the general scope of the investigation, or informally, *after a board vote to seek additional information,* without such an order. In either case, ~~[board investigations and the]~~ information gathered ~~[in]~~ *subsequent to the initiation of and during* such investigations shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. *The existence of a complaint and status of the investigation, without disclosing the identity of those involved, shall be subject to the disclosure provisions of RSA 91-A.* The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders. A licensee under this chapter shall be promptly informed of the nature and scope of any pending investigation.

II. *After determining the nature and scope of an investigation or hearing,* the board may employ or retain hearing officers, legal counsel, medical advisors, mental health advisors, or investigators to assist with ~~[any]~~ *that* investigation ~~[and with the conduct of hearings]~~ *or hearing*. Members of the board are not eligible for retention.

10 Complaints. Amend RSA 330-A:28, VII to read as follows:

VII. ~~[On its own motion, with just cause, or in response to a complaint received by one of the advisory committees]~~ *Except for good cause shown, upon its determination that a formal or informal investigation shall be conducted,* the board shall ~~[informally]~~ mail a copy of a complaint to any licensee who is the subject of the complaint, and require the licensee to provide a detailed

and good faith written response to [the] allegations identified by the board. The licensee shall provide complete copies of the licensee's office records concerning any [patient] client identified in the complaint. The licensee shall respond to such request within a reasonable time period of not less than [15] 30 days, as the board shall specify in its written request. *The detailed complaint and licensee's response shall be exempt from disclosure under RSA 91-A unless the licensee successfully petitions the board to make them available pursuant to RSA 91-A:4.*

11 Effective Date. This act shall take effect 60 days after its passage.
Referred to the committee on Finance.

HB 715-FN-A, relative to the regulation of bingo and lucky 7. **INEXPEDIENT TO LEGISLATE.** Rep. James M. Fitzgerald for Executive Departments and Administration: Considering that legislation passed in the 2004 session putting Bingo and Lucky 7's under the Pari-Mutuel Commission and all indications were that Pari-Mutuel was doing a good job in the short time that it was in charge (less than one year), the committee felt it would be unsound policy to make another change in such a short time and with no good cause. The committee also looked at some of the language in the bill that would address charitable gaming and it was felt that the language as written would adversely impact charities in the state. We discussed some possible last minute changes in language, but the members of the committee were still uncomfortable with these changes and the possible unintended consequences that they may have on the charities' ability to fundraise. Vote 20-0.

SB 72, relative to the licensing of public adjusters. **OUGHT TO PASS WITH AMENDMENT.** Rep. Judson K. Dexter for Executive Departments and Administration: The RSA's dealing with public adjusters had not been reviewed in many years. This bill was introduced at the request of the Insurance Department. The bill updates definitions, the requirements for bonds and letters of credit, the relationship between public adjuster, employers, insurance companies, and the client/consumer. The bill also further defines the insurance companies' obligation to clearly outline the appeals process available to the policy holders to help with consumer protection. Vote 20-0.

Amendment (0094h)

Amend RSA 402-D:2 as inserted by section 1 of the bill by replacing it with the following:
402-D:2 Definitions. In this chapter:

I. "Home state" means the District of Columbia and any state or territory of the United States in which a licensee maintains his or her principal place of residence or principal place of business and is licensed to act as a public adjuster.

II. "Person" means a natural person.

III. "Public adjuster" means any person who, on behalf of an insured:

(a) Directly or indirectly solicits from the insured or his or her representative the authority to act for the insured to settle or negotiate settlement or appraisal of a loss under a fire insurance or homeowner's insurance policy and who so acts for a fee or compensation from a person other than an insurer;

(b) Acts or aids, solely in relation to first party claims arising under a fire insurance or homeowner's insurance policy, on behalf of an insured person or business entity in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract;

(c) Advertises for employment as a public adjuster of insurance claims or solicits business or represents himself or herself to the public as a public adjuster of first party insurance claims for losses or damages arising out of fire insurance or homeowner's insurance policies; or

(d) Directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about first party claims for losses or damages arising out of policies of fire or homeowner's insurance for another person engaged in the business of adjusting losses or damages covered by an insurance policy.

IV. "Uniform individual application" means the current version of the National Association of Insurance Commissioners (NAIC) Uniform Individual Application for resident and nonresident persons.

Amend RSA 402-D:6 as inserted by section 1 of the bill by replacing it with the following:
402-D:6 Examination.

I. A person applying for a public adjuster license, pursuant to RSA 402-D:4, shall pass a written examination unless exempt pursuant to RSA 402-D:7. The examination shall test the knowledge of the person concerning the duties and responsibilities of an adjuster and the insurance laws and rules of this state.

II. The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations.

III. An person who fails to appear for the examination as scheduled or fails to pass the examination, shall reapply for an examination and remit all required fees and forms before being rescheduled for another examination.

Amend RSA 402-D:7, I as inserted by section 1 of the bill by replacing it with the following:

I. A person who applies for a public adjuster license in this state who was previously licensed as a public adjuster in another state based on a public adjuster examination shall not be required to complete any pre-licensing examination. This exemption is only available if the person is currently licensed in that state or if the application is received within 12 months of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in the state or the state's producer database records, maintained by the NAIC, its affiliates, or subsidiaries, indicates that the public adjuster is or was licensed in good standing.

Amend RSA 402-D:7, III as inserted by section 1 of the bill by replacing it with the following:

III. A person who applies for a public adjuster license in this state who was previously licensed as a public adjuster in this state shall not be required to complete any prelicensing examination. This exemption is only available if the application is received within 12 months of the cancellation of the applicant's previous license in this state and if, at the time of cancellation, the applicant was in good standing in this state.

Amend RSA 402-D:10, I(I) as inserted by section 1 of the bill by replacing it with the following:

(I) Knowingly accepting insurance business from a person who is not licensed but who is required to be licensed by the commissioner.

Amend RSA 402-D:11 as inserted by section 1 of the bill by replacing it with the following:

402-D:11 Bond or Letter Of Credit.

I. Prior to issuance of a license as a public adjuster, the applicant shall maintain in force evidence of financial responsibility through one of the following:

(a) A surety bond executed and issued by an insurer authorized to issue surety bonds in this state, which bond:

(1) Shall be in the amount of at least \$20,000;

(2) Shall be in favor of this state and shall specifically authorize recovery by the commissioner on behalf of any person in this state who sustained damages as the result of erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices in his or her capacity as a public adjuster; and

(3) Shall not be terminated unless at least 30 days prior written notice has been filed with the commissioner and given to the licensee.

(b) An irrevocable letter of credit issued by a qualified financial institution, which letter of credit:

(1) Shall be in the sum of at least \$20,000; and

(2) Shall be to an account to the commissioner and subject to lawful levy of execution by any person to whom the public adjuster has been found to be legally liable as the result of erroneous acts, failure to act, fraudulent acts, or unfair practices in his or her capacity as a public adjuster.

II. The issuer of such evidence of financial responsibility shall notify the commissioner upon termination of such policy, bond or letter of credit, unless the public adjuster replaces this evidence of financial responsibility and has presented the evidence of such replacement to the existing issue or such instrument.

III. The commissioner may ask for the evidence of such financial responsibility at any time the commissioner deems relevant.

IV. The authority to act as a public adjuster shall automatically terminate if the evidence of financial responsibility terminates or becomes impaired.

Amend RSA 402-D:12, I as inserted by section 1 of the bill by replacing it with the following:

I. A person, who holds a public adjuster license and who is not exempt under paragraph III, shall satisfactorily complete a minimum of 15 hours of continuing education courses, including a minimum of 3 hours of ethics, specifically designed to increase the knowledge of public adjusting duties and responsibilities during each continuing education biennium.

Amend RSA 402-D:17 as inserted by section 1 of the bill by replacing it with the following:
402-D:17 Standards of Conduct of Public Adjuster.

I. A public adjuster shall be honest and fair in all communications with the insured, the insurer, and the public.

II. A public adjuster shall not solicit, or attempt to solicit, an insured during the progress of a loss-producing occurrence, as defined in the insured's insurance contract.

III. A public adjuster shall not permit an unlicensed employee or representative of the public adjuster to advertise, engage insureds, furnish reports, or present bills to insureds, or in any manner whatsoever to conduct business for which a license is required under this chapter.

IV. A public adjuster shall not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, commission, or other consideration established in the written contract with the insured.

V. A public adjuster shall not require any interest in salvage of property subject to the contract with the insured unless the public adjuster obtains written permission from the insured after settlement of the claim with the insurer.

VI. The public adjuster shall abstain from referring or directing the insured to get needed repairs or services in connection with a loss from any person:

(a) With whom the public adjuster has a financial interest; or

(b) From whom the public adjuster may receive direct or indirect compensation for the referral.

VII. A public adjuster shall not enter into a contract with an insured where the public adjuster knows or should know that the insured will obtain full recovery without the services of an adjuster.

VIII. No public adjuster shall have any interest in any construction firm, salvage firm, building appraisal firm, motor vehicle repair shop or any other firm which performs any work in conjunction with damages caused by an insured loss. The word "firm" shall include any corporation, partnership, association, joint stock company or person.

IX. Any compensation or anything of value received by a public adjuster shall be disclosed by such adjuster to the insured in writing including the source and amount of such.

X. No public adjuster may employ, be employed by, or be in partnership with or receive or pay any remuneration whatsoever to or from any licensed insurance producer, insurer or employee of an insurer arising out of the activities as a public adjuster.

Amend RSA 402-D:19 as inserted by section 1 of the bill by replacing it with the following:

402-D:19 Additional Penalty. In addition to any of the penalties provided in this chapter, any person who shall act within this state as a public adjuster without being licensed as provided in this chapter shall be guilty of a Class A misdemeanor. Any licensee who in the course of his or her work as a public adjuster shall misrepresent his or her identity or the identity of his or her principal or employer, or who shall wrongfully divulge information obtained by him or her in his or her capacity as a public adjuster may be subject to an administrative fine not to exceed \$2,500. Additionally, the commissioner may order a refund of any moneys gained or obtained, or restitution of any valuable consideration received.

Amend RSA 402-D:20 as inserted by section 1 of the bill by replacing it with the following:

402-D:20 Rulemaking Authority. The commissioner may adopt rules, pursuant to RSA 541-A, as are necessary or proper to carry out the purposes of this chapter.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Insurance; Forms. Amend RSA 412:5 by inserting after paragraph III the following new paragraph:

IV. Every insurer and advisory organization shall provide reasonable means whereby any person aggrieved by the application of an insurer's rating system, claims practices, sales practices or underwriting procedures may be heard, in person or by an authorized representative, upon the person's written request to review the manner in which such procedures were applied in connection with insurance afforded or tendered to the person.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 234-FN, relative to the development of a state municipal information network by the office of information technology. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Wheeler for Finance: This bill, as amended, retains the original policy that the state and its political sub-divisions ought to have an information network – both well planned and implemented. Since there were no resources allocated in this biennial budget for that purpose, a submittal date for the plan was set for March 30, 2007. Vote 19-0.

Amendment (0016h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the development of a state and political subdivision information network.
Amend the bill by replacing all after the enacting clause with the following:

1 Office of Information Technology; State and Political Subdivision Information Network.
RSA 4-D:3 is repealed and reenacted to read as follows:

4-D:3 Special Duties; Plan for State and Political Subdivision Information Network. The chief information officer shall develop, with the advice of the information technology council established under RSA 4-D:4, the New Hampshire Municipal Association, and the New Hampshire Association of Counties, a plan for the implementation of a state and political subdivision information network. The plan shall be submitted to the joint legislative information technology oversight committee on or before March 30, 2007.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the office of information technology to develop a plan for the implementation of a state and political subdivision information network.

HB 649-FN-A-L, relative to the medical examiner's duty to investigate medicolegal cases and the fees for and costs of such investigations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Wheeler for Finance: This bill came to Finance as a bill that pitted the state against the counties for payment of autopsies. The discussion broadened out to include funeral directors, assistant deputy medical examiners, town clerks, etc. By the time we got to the end of the study period it was back to county vs. state, but with a lot of other interested parties. The committee felt that this issue was certainly deserving of further study and so recommends creation of a study committee. Vote 19-0.

Amendment (0169h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the costs and funding of medicolegal investigations and autopsies.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study the costs and funding of medicolegal investigations and autopsies.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Five members of the house of representatives, 3 from the finance committee, one from the ways and means committee, and one from the municipal and county government committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The attorney general, or designee.

(d) The chairperson of the board of registration of funeral directors and embalmers, or designee.

(e) The director of vital records administration, or designee.

(f) An assistant deputy medical examiner, appointed by the governor.

(g) A representative of county government, appointed by the New Hampshire Association of Counties.

(h) A representative of city and town clerks, appointed by the New Hampshire City and Town Clerks' Association.

(i) A representative of the cremation industry, appointed by the governor.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study and recommend changes to current statutes and procedures relative to the costs of autopsies, transportation, and medico-legal investigations and the financial responsibility for those costs by the state and the counties.

4 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation in the 2007 legislative session to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a commission to study the costs and funding of medicolegal investigations and autopsies.

HB 698-FN, relative to the penalty assessments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher C. Pappas for Finance: This bill imposes a 20% penalty assessment on suspended fines and a \$50 assessment on each case in which a negotiated plea of guilty is placed on file. These assessments are counted on in the budget signed by the Governor and will raise \$893,112 in FY 2007. The committee felt these assessments are appropriate given the costs and burden to the courts from these cases, and was satisfied that under hardship the assessment or suspended fines could still be waived. Vote 18-0.

Amendment (0015h)

Amend the bill by replacing all after the enacting clause with the following:

1 Penalty Assessment; Waiver of Penalty. RSA 188-F:31, III is repealed and reenacted to read as follows:

III.(a) If a total fine for an offense or violation described in paragraph I is suspended in whole or in part, a sum equivalent to the 20 percent penalty assessment shall be imposed on the original fine amount.

(b) If, pursuant to a negotiated plea, a case as described in paragraph I is placed on file with a finding of guilty, the amount of \$50 per offense shall be collected.

2 Effective Date. This act shall take effect July 1, 2006.

Referred to the committee on Ways and Means.

HB 718-FN, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Weyler for Finance: New Hampshire National Guard and Air National Guard have two types of active duty for which they might be called. Federal active duty was used for the bolstering of the active duty mission, such as the call ups for Iraq. State active duty is usually a response to natural disasters, such as hurricanes, floods, road washouts. Even governor-to-governor requests are state active duty, such as the disaster assistance in Louisiana. The life insurance coverage for these troops at risk is not the same. For federal active duty it is \$100,000. For state active duty it is only \$5,000. This amendment makes the life insurance for state active duty \$100,000. It puts the money in a fund, so that we are self-insured. This seemed the best way, as no death has occurred in state active duty for the 30 years that records were kept. The original bill called for the state paying the monthly premiums for each member's Serviceman's Group Life Insurance (SGLI). Testimony showed this idea to be difficult to administer, as well as costly. Vote 20-0.

Amendment (0017h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a state active duty death benefit for activated members of the New Hampshire national guard and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds that:

I. Members of the New Hampshire army national guard and the New Hampshire air national guard should have the same life insurance protection when called to state active duty as they are provided when called to federal active duty.

II. Reimbursement for voluntary Serviceman's Group Life Insurance (SGLI) has proven difficult to administrate, and costs could reach millions of dollars per month.

III. Only members of the New Hampshire army national guard and New Hampshire air national guard take an oath to the governor of New Hampshire, and are on call for state protection and disaster assistance to the people of our state.

IV. The state shall establish and fund a \$100,000 death benefit for members of the New Hampshire army national guard and New Hampshire air national guard when called to state active duty, which is equal to the death benefit when called to federal active duty.

2 Subdivision Heading. Amend the subdivision heading preceding RSA 110-B:37 to read as follows:

Pay and Allowances; *State Active Duty Death Benefit*

3 New Section; State Active Duty Death Benefit. Amend RSA 110-B by inserting after section 37 the following new section:

110-B:37-a State Active Duty Death Benefit; Fund.

I. The state shall fund a death benefit in the amount of \$100,000 for each activated New Hampshire army national guard or New Hampshire air national guard member who dies while on state active duty or as the result of injuries incurred on state active duty.

II. There is established in the department of the adjutant general a New Hampshire national guard state active duty death benefit fund. The adjutant general is authorized to make payments from such fund for purposes of the death benefit created under paragraph I. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated. The adjutant general shall, through the operating budget, request \$100,000 for fiscal year 2008 and \$50,000 for each fiscal year thereafter for deposit into such fund. The fund shall be nonlapsing and continually appropriated to the adjutant general, except that any amount in the fund exceeding \$1,000,000 shall lapse to the general fund at the end of each biennium.

4 New Subparagraph; Special Fund; New Hampshire National Guard State Active Duty Death Benefit Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys deposited in the New Hampshire national guard state active duty death benefit fund established in RSA 110-B:37-a.

5 Effective Date. This act shall take effect upon its passage

HB 139, authorizing the establishment of a moose permit raffle by the fish and game department. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul A. Brassard for Fish and Game: After studying this legislation, it was determined that implementing this lottery would conflict with the existing moose lottery and could become financially detrimental to the program. Vote 9-1.

HB 254-FN, establishing additions to lifetime hunting and fishing licenses for certain activities. **DOUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: This bill adds lifetime licenses for bow and arrow, muzzle loading firearm, and cross bow licenses. The bill completely mirrors the regulations pertaining to lifetime licenses for eligible pricing. Two exceptions, one must have a lifetime for muzzle loading firearm, and cross bow and bolt lifetime licenses. Also, the annual take down will be at a flat 9% with no regard for number of licenses sold. This stabilizes the fund. Vote 10-0.

Amendment (0019h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow and bolt licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fish and Game; Lifetime Licenses for Bow, Muzzleloader, and Crossbow. Amend RSA 214 by inserting after section 9-c the following new section:

214:9-d Lifetime Licenses for Bow and Arrow, Muzzleloader, and Crossbow.

I.(a) The executive director, at the department of fish and game headquarters only, shall issue lifetime bow and arrow, muzzle loading firearm, and crossbow and bolt licenses for each type of game taken similar to that issued on an annual basis under RSA 208:5, RSA 208:5-a, or RSA 208:7a, respectively, to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II. Lifetime bow and arrow, muzzle loading firearm, and crossbow and bolt licenses shall be issued only to residents who would be eligible to purchase annual licenses of the same type.

(b) In addition, the executive director may issue lifetime licenses under this section to any resident under 16 years of age. The parent or legal guardian of the applicant shall be a resident

pursuant to RSA 207:1, XXIII. The bow and arrow, muzzle loading firearm, and crossbow and bolt licenses shall not be valid until the licensee has met all requirements for the issuance of such license. Upon meeting the requirements of RSA 214:23-a, the licensee shall have the license validated at the fish and game department headquarters only.

II. The executive director shall obtain an actuarial table based on an appropriate annuity from the commissioner of insurance and shall set the fee for the various licenses annually on July 15 of each year for the following year based on the age of the applicant. The fee for any applicant under 16 years of age shall be the same as the fee for a 16-year-old applicant. In addition the applicant shall pay the agent's fee in accordance with RSA 214:15, I.

III. In no case shall any lifetime license issued be transferable or any portion of the cost of the license refundable.

IV. Notwithstanding any other provision of law, the monies received from the sale of such lifetime bow and arrow, muzzle loading firearm, and crossbow and bolt licenses shall be deposited with the state treasurer who shall keep the same in the prepaid fish and game license fund. The state treasurer shall annually transfer to the fish and game fund from the prepaid fish and game license fund an amount equal to 9 percent of the portion of the principal balance in the fund each year attributed to lifetime bow and arrow, muzzle loading firearm, and crossbow and bolt licenses, and any interest that accrues to such portion of the prepaid fish and game license fund in excess of 5 percent.

V. In addition, the state treasurer shall pay the amount of one annual license fee to the fish and game fund from the proceeds of each lifetime bow and arrow, muzzle loading firearm, and crossbow and bolt license sold during the current year, the balance going into the prepaid fish and game license fund.

VI. Licenses issued pursuant to this section shall entitle the holder thereof to the same privileges and subject the licensee to the same restrictions as a holder of an annual license.

VII. The executive director shall, if necessary, adopt rules, pursuant to RSA 541-A, relative to the issuance and validation of the lifetime licenses.

2 Prepaid Fish and Game License Fund; Reference Added. Amend RSA 6:12, I(b) (163) to read as follows:

(163) Moneys deposited in the prepaid fish and game license fund under RSA 214:9c, IV *and RSA 214:9-d, IV.*

3 Wildlife Habitat Stamp; Exception. Amend RSA 214:1-f, I to read as follows:

I. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp or license under RSA 214:9, XV, for the same period. If a stamp is issued it shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp or license provided that, while so doing, the person is accompanied by an adult who has procured such stamp or license. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c *or RSA 214:9-d* that was purchased in a prior calendar year.

4 Fisheries Habitat Fee; Exception. Amend RSA 214:1-g, I to read as follows:

I. A one dollar fisheries habitat fee shall be required to be paid by all persons 16 years of age or older, in addition to each applicable fishing or combination license required by Title XVIII, in order to take fish in the fresh waters of this state. This paragraph shall not apply to any person who takes fish under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c *or RSA 214:9-d* that was purchased in a prior calendar year.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow and bolt licenses which may be purchased by qualified residents.

HB 690-FN, relative to medical services for children and pregnant women. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This amendment clarifies the undue hardship section of RSA 167:4. The language that was adopted came from federal

government rules pertaining to penalties for transfer of assets below market value. This bill adds language to the state statute that protects an individual from having a penalty if that penalty would lead to undue hardship. Specifically, a transfer of asset penalty shall not be imposed if "application of the penalty would deprive the individual of necessary care that his or her health or life would be endangered." The hardship language cited above is supported by the Governor, the legislature and the Department of Health and Human Services. This was a bipartisan unanimous discussion, study, agreement and vote. Vote 19-0.

Amendment (0002h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to aid to the needy blind and relative to undue hardship for public assistance.

Amend the bill by replacing all after the enacting clause with the following:

1 Condition of Granting Assistance; Aid to Needy Blind Added. Amend RSA 167:28 to read as follows:

167:28 Condition of Granting Assistance. The commissioner of the department of health and human services shall require as a condition to granting old age assistance ~~[or]~~, aid to the permanently and totally disabled, *or aid to the needy blind* in any case that the applicant, and the spouse of the applicant, if any, residing with the applicant, submit a properly acknowledged agreement to reimburse the federal government, the state and the county for all assistance granted. In such agreement such applicant, and the spouse of the applicant, if any, shall assign as collateral security for such assistance such part of his *or her* personal property as the commissioner of health and human services shall demand. All funds recovered under the provisions of this section and RSA 167:27, after any necessary reimbursement to the federal government as provided in RSA 167:13, shall be allocated to the county and to the state in the same proportion as the assistance paid by each.

2 New Paragraph; Transfers of Assets; Undue Hardship. Amend RSA 167:4 by inserting after paragraph III the following new paragraph:

III-a. Pursuant to section 1917(c)(2)(D) of the federal Social Security Act, a transfer of asset penalty shall not be imposed if the penalty would result in an undue hardship to the transferor under the following conditions:

(a) The asset was transferred by an agent or authorized representative and it can be demonstrated and documented that the individual lacked the mental capacity to comprehend the disqualifying nature of the act; and

(1) A written and signed statement by a licensed physician states that the individual was mentally incapacitated at the time of the transfer; or

(2) An order of findings from a probate court concerning the individual's competency is provided to the district office.

(b) Application of the penalty would deprive the individual of necessary care such that his or her health or life would be endangered.

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill adds the category of aid to the needy blind to a certain provision of law. This bill also clarifies undue hardship for purposes of public assistance.

Referred to the committee on Finance.

HB 704-FN, establishing the New Hampshire Rx advantage program and continually appropriating a special fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill sought to establish a prescription drug program for the uninsured and underinsured of New Hampshire. The bill was based on other states' legislation and required mandatory participation by pharmacies. The bill also required pharmaceutical companies wishing to participate in the state preferred drug list to participate in this prescription drug program. Programs as proposed in this bill have engendered significant litigation because of the prescription drug program being closely tied to the Medicaid program. Vote 14-0.

HB 334, relative to consistency of notices in court proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This bill seeks to amend RSA 514:14 by clarifying to whom notices must be sent of pleadings filed in judicial actions. The committee concluded that it is

impractical to impose by statute notice requirements specific to every situation that could conceivably arise. The committee concluded that substantive amendment to RSA 514:14 was unnecessary, but approved a non-substantive amendment that replaced a phrase regarded by the committee as archaic. Vote 16-0.

Amendment (0179h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the type of notice provided in court proceedings.

Amend the bill by replacing all after the enacting clause with the following:

1 Notices; Due Process of Law Standard. Amend RSA 514:14 to read as follows:

514:14 Notices. The court shall order notice to be given, in such manner as ~~[they think fit]~~ *appears to the court due process of law requires*, of any petition, complaint, libel, application, or motion in writing filed therein, and no judgment ~~[or]~~, decree, *or ruling* shall be rendered thereon ~~[without]~~ *absent* compliance with such order.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill requires the court to give notice about certain proceedings in such manner as it appears to the court that due process of law requires.

HB 413, relative to the appointment of the chief justice of the superior court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Wheeler for Judiciary: The original bill was intended to clarify a law passed last year that made the office of Chief Justice of the Superior Court a five year term. This bill added a sentence to that law that said if the Chief Justice was not reappointed as Chief Justice at the end of his or her term, he or she still remained an Associate Justice. During committee hearings, the committee realized that the bill would conflict with two contingencies in previous legislation. The amendment fixes that problem by incorporating a third contingency that combines both changes and the new change and becomes effective when both of the other contingencies have been met. Vote 16-0.

Amendment (1929h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the appointment of the chief justice of the superior court and the number of superior court associate justices.

Amend the bill by replacing all after the enacting clause with the following:

1 Superior Court. Contingency Appointment of Chief Justice; Contingency. Amend 2004, 74:1-2 to read as follows:

74:1 Superior Court; Appointment of Chief Justice. Amend RSA 491:1 to read as follows:

491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and council to a 5-year term, and 28 associate justices. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided. *The chief justice shall be appointed from among the associate justices. In the event that the chief justice resigns as chief justice or is not reappointed at the expiration of the 5-year term at a time when no associate justice vacancies exist, he or she may return to the position of associate justice.*

74:2 Contingency. Section 1 of this act shall take effect upon the date the next vacancy occurs in the position of superior court chief justice, *provided that 2004, 240:4 has not taken effect.*

2 Superior Court Justices; Applicability; Contingency. Amend 2004, 240:4-5 to read as follows:

240:4 Superior Court Justices. Amend RSA 491:1 to read as follows:

491:1 Justices. The superior court shall consist of a chief justice~~[-appointed by the governor and council to a 5-year term-]~~ and 21 associate justices. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided.

240:5 Applicability; Contingency. Any superior court justice appointed prior to July 1, 2004 shall retain his or her position until resignation, retirement, or removal pursuant to the New Hampshire constitution. As vacancies occur in superior court justice positions, the vacancies shall remain unfilled until the number of superior court justices is reduced to 22. Section 4 of this act shall take effect on the date on which the number of superior court justices is reduced from 23 to 22, *provided that 2004, 74:1 has not taken effect.*

3 Superior Court Justices. RSA 491:1 is repealed and reenacted to read as follows:

491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and council to a 5-year term, and 21 associate justices. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided. The chief justice shall be appointed from among the associate justices. In the event that the chief justice resigns as chief justice or is not reappointed at the expiration of the 5-year term at a time when no associate justice vacancies exist, he or she may return to the position of associate justice.

4 Contingency. Section 3 of this act shall take effect upon the date the next vacancy occurs in the position of superior court chief justice or the date on which the number of superior court justices is reduced from 23 to 22, whichever occurs later.

5 Effective Date.

I. Section 3 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon passage.

AMENDED ANALYSIS

This bill establishes that the chief justice shall be appointed from among the associate justices of the superior court and may return to the position of associate justice upon resignation or the expiration of his or her term.

The bill also clarifies that the number of superior court associate justices is to be reduced to 21.

HB 471, relative to probate requirements for small estates. **INEXPEDIENT TO LEGISLATE.** Rep. Cynthia J. Dokmo for Judiciary: The subject matter of this bill, the probate administration of small estates, was dealt with in SB 168 which was passed into law last year. Therefore, this bill was no longer necessary. Vote 16-0.

HB 473, relative to the creation of screening panels for medical injury claims. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill sought enactment of a new Chapter 519-B of the RSA's, which would establish and regulate the proceedings of panels to screen medical injury claims. This was one of a number of bills filed in the 2005 session and assigned to the Judiciary Committee dealing with the perceived medical malpractice insurance crisis. It was retained by the committee for possible further consideration should the bill on the same subject preferred by the committee, and recommended to and passed by the House. HB 702, fail to pass the other body, or should the bill on the same subject preferred and passed by the other body, SB 214, fail to pass the House. SB 214 having passed both chambers, and having been signed into law by the Governor, HB 473 is no longer necessary. Vote 18-0.

HB 508, relative to ex parte hearings. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Judiciary: The effect of this bill would be to eliminate ex parte hearings, (hearings at which only one party is present) which are held to address emergency situations. Orders issued at ex parte hearings are temporary, and, a full, noticed hearing in which all parties may participate is held expeditiously. A defendant can request an expedited hearing to take place within five business days. The committee is of the opinion that the need to react to emergency situations far outweighs temporary effects of court orders. Vote 18-0.

HB 608-FN, establishing a right to trial by jury prior to a nonemergency involuntary admission. **INEXPEDIENT TO LEGISLATE.**

Rep. Gail C. Morrison for Judiciary: This bill was retained to consider whether there was reason to alter the present process of review of involuntary admissions to the state hospital by a probate judge. The committee determined that no change is needed. Vote 17-2.

HB 648-FN, relative to reducing frivolous medical injury actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: This bill sought enactment of a new Section 4 following RSA 507-E:3, which generally would require that an attorney, at the time of filing a medical malpractice claim, certify that a reasonable investigation has been made that supports a good faith belief that negligence has occurred. Like HB 473, this was one of a number of bills filed in the 2005 session and assigned to the Judiciary Committee dealing with the perceived medical malpractice insurance crisis. It was retained by the committee for possible further consideration for the same reason as HB 472. SB 214 having passed both chambers, and having been signed into law by the Governor, HB 648 is no longer necessary. Vote 19-0.

HB 713-FN, relative to a process for the request and disclosure of social security numbers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Judiciary: The committee amendment is in three sections. The first section would require that any department or agency requesting a social security number must have specific statutory authority to do so. The second section is relative to internet posting of deeds and mortgages by the county registries. The amendment allows anyone to request that a social security number or bank account number be deleted from the internet. The amendment also has penalties for anyone in the future who knowingly puts a social security number on a closing document. The third section of the bill will bar any business entity from using a social security number unless specifically allowed to do by federal or state law. Vote 20-0.

Amendment (0097h)

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Disclosure of Records. Amend RSA by inserting after chapter 275-E the following new chapter:

CHAPTER 275-F

DISCLOSURE OF SOCIAL SECURITY NUMBERS

275-F:1 Definition. In this chapter "governmental entity" means the state or any political subdivision of the state, a government branch, unit, or agency, including any authority, board, court, department, division, commission, institution, bureau, or similar entity of the state or of any political subdivision of the state, or any contractor to any of the foregoing. "Governmental entity" does not include county registries of deeds to the extent they are regulated under RSA 478:4-b.

275-F:2 Disclosure of Social Security Numbers.

I. It shall be unlawful for any governmental entity to obtain an individual's social security number from a source other than the individual to whom it is assigned, or to disclose an individual's social security number, unless the governmental entity is required by federal law or state statute to do so.

II. It shall be unlawful for any governmental entity to request an individual to disclose his or her social security number on a voluntary basis unless such request is explicitly authorized by state statute.

III. It shall be unlawful for any governmental entity to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his or her social security number, except for:

(a) Any disclosure which is required by federal law or by state statute as authorized by federal statute; or

(b) Any disclosure of a social security number to a governmental entity maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under federal or state statute or regulation enacted or adopted prior to January 1, 1975, to verify the identity of an individual.

IV. Any governmental entity which requests or requires an individual to disclose his or her social security number shall inform that individual in writing whether such disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

275-F:3 Civil Penalties. In any suit brought to enforce the provisions of RSA 275-F:2 in which the court determines that the governmental entity or an employee of the governmental entity acted in a manner which was intentional or willful, the aggrieved individual may bring against the governmental entity an action to enjoin such violation and, if successful, recover court costs and reasonable attorney's fees.

275-F:4 Criminal Penalties.

I. Any officer or employee of a governmental entity who, by virtue of his or her employment or official position, has possession of, or access to, records of the governmental entity which contain social security numbers the disclosure of which is prohibited by this chapter, and who, knowing that disclosure of the social security number is prohibited, willfully discloses the social security number in any manner to any person or governmental entity not entitled to receive it, shall be guilty of a misdemeanor and fined not more than \$1,000.

II. Any person who knowingly and willfully requests or obtains any social security number from a governmental entity under false pretenses shall be guilty of a misdemeanor and fined not more than \$1,000.

2 New Sections; Registers of Deeds; Social Security Numbers and Financial Information. Amend RSA 478 by inserting after section 4-a the following new sections:

478:4-b Records; Social Security Numbers and Financial Information.

I. The preparer of a document shall not include an individual's social security number, credit card number, or deposit account numbers in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens, certified copies of death certificates, and other documents required by law to contain such information that are filed or recorded in the office of the register of deeds. For the purpose of this section, "preparer" shall mean the person who drafts the documents that are recorded with the register of deeds. Preparer shall not include any person who hires, requires, refers, pays, or requests that the documents be drafted or recorded.

II. If a deed or instrument that includes an individual's social security number, credit card number, or deposit account numbers, was filed with the register of deeds and is available on the Internet, the individual may request that the register of deeds redact such information from the Internet record. The register of deeds shall establish a procedure by which individuals may request that such information be redacted from its files which are available on the Internet. Upon request, the information shall be redacted.

III. The register of deeds shall comply with an individual's request to redact his or her social security number, credit card number, or deposit account numbers within 5 business days of the receipt of the request, or sooner, if ordered to do so by a court, for good cause shown.

478:4-c Violation; Enforcement. An individual aggrieved by a violation of RSA 478:4-b, I may bring against the preparer:

I. An action to enjoin such violation.

II. An action to recover actual monetary loss from such a violation, or to receive up to \$1,000 in damages for each such violation, whichever is greater.

III. Both such actions.

3 New Chapter; Action for Unauthorized Use of Social Security Number. Amend RSA by inserting after chapter 507-G the following new chapter:

CHAPTER 507-H

ACTION FOR UNAUTHORIZED USE OF SOCIAL SECURITY NUMBER

507-H:1 Prohibition. No person may do any of the following:

I. Intentionally communicate or otherwise make available to the general public an individual's social security number or any part thereof.

II. Require an individual to use his or her social security number to access an Internet site unless it is encrypted or otherwise comparably secure.

III. Give, sell, lease, loan, trade, rent, or otherwise disclose an individual's social security number to a third party for any purpose without written consent by the individual to the disclosure.

IV. Treat an individual differently or refuse to do business with an individual because the individual will not provide, or consent to the receipt by such person of, the social security number of such individual.

507-H:2 Exceptions. This chapter shall not prevent:

I. The collection, use, or release of a social security number as required by state or federal law or by state or federal officials in order to carry out their official functions.

II. The use of a social security number by a person, or a contractor or affiliate of that person, to verify the identity of an individual or for administrative purposes, as long as the number was acquired for an allowable purpose.

III. The collection, use, release, or sharing of a social security number to obtain a credit report from or furnish data to a consumer reporting agency pursuant to the New Hampshire Fair Credit Reporting Act, RSA 359-B, or the Fair Credit Reporting Act, 15 U.S.C. section 1681, et seq.

IV. The collection, use, release, or sharing of a social security number in connection with providing a credit report or file, a consumer report, or consumer disclosure as permitted or required by the New Hampshire Fair Credit Reporting Act, RSA 359-B:1, or to undertake a permissible purpose enumerated in Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. sections 6801 through 6809.

507-H:3 Violation; Actions.

I. An individual aggrieved by a violation of this chapter may bring:

(a) An action to enjoin such violation.

(b) An action to recover actual monetary loss from such a violation, or to receive up to \$1000 in damages for each such violation, whichever is greater.

(c) Both such actions.

II. In any successful action under paragraph I, the aggrieved party shall be awarded the costs of the action together with reasonable attorney's fees as determined by the court. Upon a finding by the court that an unsuccessful pleading, motion, or paper filed in connection with an action under paragraph I was filed in bad faith or for purposes of harassment, the court shall award to the prevailing party attorney's fees reasonable in relation to the work expended in responding to the pleading, motion, or other paper.

III. It shall be an affirmative defense in any action brought under paragraph I that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of this chapter.

IV. If the court finds that the defendant willfully or knowingly or with gross negligence violated this chapter, the court may, in its discretion, increase damages to an amount equal to not more than 3 times the amount available under paragraph I.

4 Effective Date.

I. RSA 478:4-b, III as inserted by section 2 of this act of this act shall take effect March 1, 2007.

II. The remainder of this act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill:

I. Establishes a process for the request and disclosure of social security numbers by governmental entities.

II. Prohibits, with certain limited exceptions, a person from filing with the registry of deeds a document that includes an individual's social security number.

III. Authorizes private actions for unauthorized use of a social security number.

SB 172, establishing a committee to study a medical fee schedule for workers' compensation. **REFER FOR INTERIM STUDY.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The committee was undecided on the merits of this study. Some members had significant predetermination on the possible outcome of the study and others believed a study was appropriate and necessary. All sides agreed to send the bill to Interim Study to review the results of such legislation in other states. Vote 10-0.

CACR II, relating to the compensation of the legislature. Providing that legislative members receive a payment for each day of legislative attendance and reimbursement for certain necessary expenses. **REFER FOR INTERIM STUDY.**

Rep. Karen K. Hutchinson for Legislative Administration: While many believe that the work of legislators is worth more than \$100 per year, an increase in compensation would have far reaching effects. Budget concerns and possible change in the dynamics of the House by allowing more people to run for office are among those to be studied. Vote 7-2.

SCR 3, relative to the Boy Scouts of America. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David P. Currier for Legislative Administration: This SCR, as amended, congratulates the Boy Scouts of America and the Daniel Webster Council for ninety plus years of enhancing citizenship skills on the top of such outdoor and leadership skills that have declined in other aspects of American life. Language objectionable to some has been removed in lieu of the language of encouragement regarding high adventure training, co-ed socialization and camaraderie. The two no votes were not anti-topic but rather votes against concurrent resolutions in general. Vote 7-2.

Amendment (0119h)

Amend the resolution by replacing all after the title with the following:

Whereas, the Boy Scouts of America is nearing 100 years since its American inception in 1910; and

Whereas, the Boy Scouts of America have been promoting strong character traits and citizenship attributes; and

Whereas, the Boy Scouts of America have produced some of our strongest national leaders and role models, including, actor and war hero Brigadier General James Stewart, Nolan Ryan, President John F. Kennedy, Walter Cronkite, Bill Gates, Dan Jansen, and Mark Spitz; and

Whereas, Eagle Scouts, including astronaut James Lovell, astronaut Neil Armstrong, President Gerald Ford, Sam Walton, John Tesh, Congressman Richard Gephardt, Congressman Thomas Foley, Senator Lamar Alexander, and Hank Aaron, have gone on to prove that character counts, by living the Scout Law; and

Whereas, scouting now includes the Venturing program for young men and women, promoting physical fitness, leadership skills, and real-world experiences; and

Whereas, scouting's many mottos include the phrases, "Be Prepared," and "Do a good turn daily;" and

Whereas, the Boy Scouts of America has been instrumental in shaping the lives of millions of boys and young men for nearly a century; and

Whereas, scouting began in England in 1907 with less than 100 scouts and now has programs in 216 countries serving over 28 million youth; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That the general court of New Hampshire officially recognizes and supports the mission of the Boy Scouts of America and agrees that character counts; and

That copies of this resolution be sent by the senate clerk to the National Council of the Boy Scouts of America in Irving, Texas and the Daniel Webster Council, Boy Scouts of America in Manchester, New Hampshire.

HB 121, relative to local land use approval for facilities requiring air pollution control permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas J. Gillick for Municipal and County Government: The Department of Environmental Services (DES) grants many permits that the legislature has granted them control over – air pollution control permits (RSA 125-C), underground storage facilities permits (RSA 146-C), solid waste facility (RSA 149-M), fill and dredge permits for wetlands (RSA 485-A) and ground water protection (RSA 485-C). It is noted in each of those statutes that the ability of the municipality to enact local ordinances covering land use issues is not pre-empted by the state. This amendment adds the words that these permits "shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes and regulations not inconsistent with this chapter." The committee intended to have consistent language regarding local control in each RSA so that there would be no misinterpretation of the municipality's ability to have limited authority over land use in these particular areas. Vote 15-0.

Amendment (0176h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to local land use approval for facilities requiring certain pollution control permits.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Air Pollution Control Permit; Local Approval Required. Amend RSA 125-C:11 by inserting after paragraph V the following new paragraph:

VI. The issuance of an air pollution control permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes, and regulations not inconsistent with this chapter.

2 Liability for Cleanup Costs; Municipal Regulations; Local Approvals Required. RSA 146-C:11. III is repealed and reenacted to read as follows:

III. The issuance of an underground storage facility permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes, and regulations not inconsistent with this chapter.

3 Removal; Restoration; Equity Relief. Amend RSA 482-A:14-b, II to read as follows:

II. Municipalities may apply to a justice of the superior court for injunctive relief against existing or impending violations of this chapter, or any rule or order issued under this chapter. The municipality shall give notice of any such action to the attorney general and the commissioner of environmental services, who may take such steps as they deem necessary to ensure uniform statewide enforcement, including but not limited to joining the action, assuming sole prosecution of the action, or, as of right, dismissing the action without prejudice. Such notice shall be given at least 30 days prior to the commencement of any such action, unless more immediate action is necessary to prevent irreparable environmental damage or other serious public harm, in which case

such notice shall be given as soon as practicable, but in no event later than the date of commencement of the action. ~~[This paragraph shall not be construed to affect, in any manner, existing authority of municipalities to act based upon the provisions of other statutes or local ordinances.]~~ *The issuance of a permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes, and regulations not inconsistent with this chapter.*

4 Groundwater Protection Act; Effect on Local Ordinances. RSA 485-C:20 is repealed and re-enacted to read as follows:

485-C:20 Effect on Local Ordinances. The issuance of a permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes, and regulations not inconsistent with this chapter.

5 Permit Required; Presumption Removed. Amend RSA 149-M:9, VII to read as follows:

VII. The issuance of a facility permit by the department shall not affect any obligation to obtain local approvals required under all applicable, lawful local ordinances, codes, and regulations not inconsistent with this chapter. ~~[Local land use regulation of facility location shall be presumed lawful if administered in good faith, but such presumption shall not be conclusive.]~~

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies that issuance of an air pollution control permit, an underground storage facility permit, a dredge and fill permit, a permit under the groundwater protection act, or a solid waste facility permit does not affect any obligation to obtain local approvals required under local ordinances, codes, and regulations.

HB 176, relative to the provision of rental and lease information of commercial and industrial property to assessing officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: This bill would require owners of commercial and industrial property to provide rental, lease and expense information, upon request, when they apply for a property tax abatement. Persons failing to comply lose their right to appeal. The committee feels that sensitive financial records are just that sensitive and confidential. The lack of an established method of securing this information may place a business at risk of having its competition obtain critical information. Testimony revealed other methods of obtaining this information to properly assess a business, including surveys. The committee felt that with other avenues of securing data available to assessors, it was unnecessary and possibly harmful to mandate the submission of sensitive information to a municipality. Further, the loss of all property tax appeal rights for refusal to comply with such a requirement would be unduly harsh. Vote 15-0.

HB 245, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land. **REFER FOR INTERIM STUDY.**

Rep. Eric G. Stohl for Municipal and County Government: This bill would establish a study committee and the committee retained the bill to work on the issue. We determined that there are weaknesses in how values of land features, which include views and waterfront properties, are computed during the assessment process. These weaknesses may not indicate that the values placed on a particular land feature are inaccurate, but they do point out the lack of transparency and documentation as to how these values were calculated. A set of criteria needs to be established outlining what information is to be documented and back-up notations that support the method of how the particular value was determined. We wish to send this bill to interim study to allow the Assessing Standards Board (ASB) a period of time to address this issue. The ASB has a duty under RSA 21-J:14-b to recommend legislation relating to property assessment. The committee will closely monitor and work with the ASB for a resolution to this very important matter. Vote 16-0.

HB 410, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurie J. Boyce for Municipal and County Government: This bill changes the method of handling confidential information which is requested by assessing officials in order to verify eligibility for property tax credits, exemptions, or deferrals. The law, as written now, lists three different types of documentation that are considered confidential. This bill removes the restriction to just those three types and states all documents used to verify eligibility will be returned to the applicant at the time a decision is made on the application. By adopting this bill, we remove the need to change the law every time a different type of document is requested. Vote 14-2.

Amendment (0182h)

Amend section 1 of the bill by replacing it with the following:

I Property Tax Credit, Exemption, or Deferral Application; Confidentiality. Amend RSA 72:34, II to read as follows:

II. For those exemptions having income or asset limitations, the assessing officials may request true copies of any ~~[of the following;]~~ *documents* as needed to verify eligibility. ~~[Any documents submitted shall be considered confidential, handled so as to protect the privacy of the applicant, and returned to the applicant at the time a decision is made on the application. The documents are:~~

(a) Federal income tax form;

(b) State interest and dividends tax form; and

(c) Property tax inventory form filed in any other town.

~~RSA 359-C shall not apply to the documents requested for verification under this section.] Unless otherwise provided for by law, all documents submitted with an application or as requested, as provided for in paragraphs I and II, and any copies shall be considered confidential, handled so as to protect the privacy of the individual and not used for any purpose other than the specific statutory purposes for which the information was originally obtained. All documents and copies of such documents submitted by the applicant shall be returned to the applicant after a decision is made on the application.~~

AMENDED ANALYSIS

This bill requires that all documents and copies of documents submitted with or requested to verify an application for a property tax credit, exemption, or deferral be considered confidential and returned to the applicant after a decision is made on the application.

HB 581, relative to approval and review of municipal charters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W. Brundige for Municipal and County Government: A new or revised municipal charter, prior to being voted on by the legislative body, is reviewed by the Secretary of State, Attorney General and the Department of Revenue Administration to insure that the proposal is consistent with the general laws of the State (RSA 49-B:5). This statute gives those agencies fourteen days after receiving a copy of the charter proposal to review and comment on it. HB 581 was introduced at the request of the Secretary of State. Experience has shown that fourteen days is not enough time to do an adequate review. The committee agreed with the amendment that adjusts the charter time so that the three agencies have thirty days to review and comment on the charter proposals. Vote 15-0.

Amendment (0020h)

Amend the bill by replacing all after the enacting clause with the following:

I Municipal Charters; Charter Commission, Membership, Procedure. Amend RSA 49-B:4, V to read as follows:

V. Within 14 days after its organizational meeting, the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions. Within ~~[+80]~~ **170** days after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. Within ~~[225]~~ **231** days after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general laws. Minority reports if filed shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the municipality at such times and places as may be specified in a notice published at least 7 days prior to the hearing in a newspaper having general circulation in the municipality, but hearings may be adjourned from time to time without further published notice.

2 Municipal Charters; Joint Review by State Agencies. Amend RSA 49-B:5-a. 1 to read as follows:

1. Within 10 days of the filing of the preliminary report relative to any new municipal charter, charter revision, or charter amendment, the municipal clerk shall file a certified copy of said report with the secretary of state, the attorney general and the commissioner of the department of revenue administration. Within ~~[14]~~ 30 days of the receipt of said report ~~[by]~~, the secretary of state, attorney general and commissioner of the department of revenue administration, ~~[they]~~ or *their designees* shall *jointly* review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state.

3 Effective Date. This act shall take effect 60 days after its passage

AMENDED ANALYSIS

This bill changes certain dates relating to the organizational meeting of a municipal charter commission.

This bill also clarifies the procedure for review of a municipal charter.

SB 147-FN-L, relative to eligibility for local assistance. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for Municipal and County Government: If a person has been a resident in a municipality for less than 90 days and seeks local assistance, this bill would allow that town to seek reimbursement for such assistance from the town of prior residence. The concept has been introduced in one form or another during each of the last two legislative sessions. A survey distributed to the Local Welfare Administrator Association last June asked the welfare directors to detail the number of times their town or city had rendered assistance in such cases and not been reimbursed. Only one reply was received which positively reported that no problems had been encountered in that town. Information previously given to the committee indicated that the welfare directors have developed a program to coordinate such requests with each other. There appears to be no problem in the area of reimbursement cooperation. Vote 14-0.

HB 264-FN-A, making a capital appropriation for the purchase of a boat storage and repair facility in the town of Belmont. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: The provisions of this bill were incorporated into HB 25, the Capital Budget, which was passed by the General Court and signed into law by the Governor. Vote 11-0.

SB 89-FN, relative to financing federally aided highway projects. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill concerns Grant Anticipation Bonds for the widening of I-93. This bill is identical to HB 304 which passed the General Court and was signed into law by the Governor. Vote 11-0.

HB 175, relative to divestiture of PSNH generation assets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Roy D. Maxfield for Science, Technology and Energy: The original bill would have amended RSA 369-B to prohibit sale of PSNH generation assets without legislative authorization and would have allowed PSNH and other electric utilities in the state to add or modify existing plants provided a risk sharing agreement was agreed to by the Public Utilities Commission. Based on input from the Public Utilities Commission and the several industry spokespersons, the amendment moves the April 30, 2006 generation asset control date to April 30, 2008. The amendment also establishes a comprehensive study committee comprised of electric oversight committee members and other legislative members to explore the entire divestiture issue. Our committee feels that in light of current energy issues facing the country and state, our current energy policies, set forth in RSA 378, as well as deregulation, need to be evaluated and updated to reflect our situation. Vote 12-0.

Amendment (0123h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force.

Amend the bill by replacing all after the enacting clause with the following:

1 Divestiture of PSNH Generation Assets. Amend RSA 369-B:3-a to read as follows:

369-B:3-a Divestiture of PSNH Generation Assets. The sale of PSNH fossil and hydro generation assets shall not take place before ~~[April 30, 2006]~~ **June 30, 2008**. Notwithstanding RSA 374:30,

subsequent to ~~[April 30, 2006]~~ **June 30, 2008**. PSNH may divest its generation assets if the commission finds that it is in the economic interest of retail customers of PSNH to do so, and provides for the cost recovery of such divestiture. Prior to any divestiture of its generation assets, PSNH may modify or retire such generation assets if the commission finds that it is in the public interest of retail customers of PSNH to do so, and provides for the cost recovery of such modification or retirement.

2 Energy Policy Task Force.

I. There is established an energy policy task force.

II. The members of the task force shall be as follows:

(a) Five members of the house of representatives, at least 2 of whom shall be members of the legislative oversight committee on electric utility restructuring, appointed by the speaker of the house of representatives.

(b) Five members of the senate, at least 2 of whom shall be members of the legislative oversight committee on electric utility restructuring, appointed by the president of the senate.

(c) Three members appointed by the governor.

III. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

IV. The task force shall:

(a) Review the state's energy policies and make recommendations for appropriate changes necessary to accommodate the changing energy environment in New Hampshire.

(b) Review the divestiture of PSNH generation assets, and the policies for supply.

V. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Seven members of the task force shall constitute a quorum.

VI. The task force shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before September 30, 2006.

3 Fund Established. The task force shall establish a fund which shall be held by the state treasurer. The fund shall consist of \$100,000 from assessments against the state's electric utilities made by the public utilities commission pursuant to the methodology defined in RSA 363-A:2. The fund may be used, with the prior approval of the fiscal committee of the general court, to pay costs for technical assistance incurred pursuant to section 2 of this act.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the prohibition on the divestiture of PSNH generation assets to June 30, 2008 and establishes an energy policy task force. This bill also establishes for the costs of the energy policy task force.

HJR 1, recognizing that Kittery, Berwick, and the Piscataqua River are within the boundaries of the state of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Marple for State-Federal Relations and Veterans Affairs: The General Court recognizes the historical records of the Sixth and Seventh Congress of the United States. Fernald Island – now known as Seavey Island – the home of the Portsmouth Naval Shipyard – was sold to the Federal Government for \$5,000.00 by William and Sarah Dennett in 1800. When Maine became a state in 1820, Seavey Island was federal property and doesn't appear to be included in the Maine or New Hampshire borders. The Piscataqua River boundary established clarified responsibility for the security of Homeland Security and other threats to the entire Piscataqua River, its bed and the Portsmouth Harbor to New Hampshire. When Maine was admitted as a state in 1820, the federal government owned and maintained Seavey Island for 20 years. Vote 11-0.

Amendment (0198h)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

Amend the resolution by replacing all after the title with the following:

Whereas, Seavey Island is in the Piscataqua River and, like Portsmouth, the island provides ready access to the Atlantic Ocean; and

Whereas, historical records support the proposition that the sixth and seventeenth Congress of the United States annexed Seavey Island to Portsmouth, New Hampshire; and

Whereas, recognizing that Seavey Island and the Piscataqua River are in New Hampshire will serve to protect the public from terrorism and similar threats to public safety and homeland security because this definition of the New Hampshire boundary will clarify responsibility for the security of the entire Piscataqua River and the Portsmouth Harbor; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court hereby recognizes that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

AMENDED ANALYSIS

This resolution recognizes that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

HR 14, supporting Taiwan's participation in the World Health Organization, and supporting the establishment of a Taiwan-United States free trade agreement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: Due to the threat of rapid movement of deadly diseases, such as SARS and Avian Flu, often traveling across international trade routes of which Taiwan is a major trading center, it is important to the United States for financial and health security, that Taiwan be allowed to play an active and proactive role in the prevention, treatment and cure of such diseases. Vote 14-0.

Amendment (0078h)

Amend the title of the resolution by replacing it with the following:

A RESOLUTION supporting Taiwan's participation in the World Health Organization.

Amend the resolution by replacing all after the title with the following:

Whereas, good health is essential to every citizen of the world and access to the highest standards of health information and services is necessary to improve public health; and

Whereas, the World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people; and

Whereas, the achievements of Taiwan, the Republic of China, in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to eradicate polio and provide children with Hepatitis B vaccinations; and

Whereas, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years Taiwan has expressed a willingness to assist financially and technically in international health activities supported by the WHO; and

Whereas, direct, unobstructed participation in international health forums and programs is critical to limit the spread of various infectious diseases and achieve world health; and

Whereas, the United States House of Representatives and Senate authorized the Secretary of State to endorse observer status for Taiwan at the World Health Assembly; and

Whereas, President Bush and senior members of his administration have vocalized support for Taiwan's participation in the WHO; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives hereby supports Taiwan's participation in the World Health Organization.

AMENDED ANALYSIS

This house resolution supports Taiwan's participation in the World Health Organization.

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts. **REFER FOR INTERIM STUDY.**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: The committee recommends interim study because of the complexity of how the social security retirement system can

remain solvent. One of the options could be personal retirement accounts but other options could be some increase in the payroll tax or a reduction in some social security benefits. Also, some reductions in eligibility could be an option as well. Vote 11-0.

HB 119-FN, relative to commercial advertising on toll booths. **INEXPEDIENT TO LEGISLATE.** Rep. Sherman A. Packard for Transportation: The committee heard proposals from the two companies that wanted to advertise at the toll booths and on the transponder people have attached to the car window. One was looking to put billboards at the toll booths. Another was looking at some form of signage over or around the toll booths. The committee was unanimous in its belief that this was wrong for New Hampshire. We felt that the citizens of this state do not want to pull up to a toll booth and see some bank or telephone company pushing services in neon lights. Vote 9-0.

HB 273-FN, relative to licenses for persons who are not United States citizens and who are temporarily residing in New Hampshire. **INEXPEDIENT TO LEGISLATE.** Rep. James W. Danforth for Transportation: With the passage of the Real ID act in May of 2005, this bill becomes unnecessary. Every state is given three years to comply with the provision of Real ID. Before issuing a driver's license to a person who is not a United States Citizen, every state must conform to certain criteria set forth in the Real ID Act and to whatever rules and regulations are being developed by the Department of Homeland Security. Vote 9-0.

HB 579, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE.** Rep. Brenda L. Ferland for Transportation: This bill pertained to the OBD II inspection requirements. It provided an exemption for all vehicles from the OBD II inspection requirement until July of 2006. As this provision was adopted in other legislation, the committee saw HB 579 as redundant. Vote 9-0.

SB 148, relative to motorcycle inspections and relative to electronic inspection information. **INEXPEDIENT TO LEGISLATE.** Rep. James W. Danforth for Transportation: This bill provided that "motorcycle only" inspection stations would be exempt from OBDII emission testing requirements. The committee feels that this issue has been addressed in other legislation. Vote 9-0.

SB 157-FN, relative to all terrain vehicles used for agricultural purposes. **REFER FOR INTERIM STUDY.** Rep. Brenda L. Ferland for Transportation: The committee believes it was time to take a look at farm vehicles of all kinds and the plates connected to their usage. This may be the time to recodify. Vote 9-0.

SB 146-FN-A-L, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices. **INEXPEDIENT TO LEGISLATE.** Rep. Shawn N. Jasper for Ways and Means: This bill was recommended as ought to pass with amendment at the end of last session; however it was reported out after the deadline and failed to receive the necessary two-thirds vote for consideration by the House. The components of the bill were deemed to be important and were included as amendments to HB 1 and 2. The essence of the Ways and Means amendment and those adopted in HB 1 and 2 was to create a pilot program to provide legal assistance for low income people and to fund it a level of \$700,000 per year, through a penalty assessment. Vote 17-0.

Rep. Matarazzo declared a conflict of interest and did not participate.

COMMITTEE REPORTS – 2005 RETAINED BILLS

REGULAR CALENDAR

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. **OUGHT TO PASS WITH AMENDMENT.** Rep. Stephen B. Stepanek for Commerce: This bill, which has become known as "Michelle's Law," has been extensively reviewed by the committee. It is an important first step in eliminating short-

comings that allowed a seriously ill college student to be cancelled from the family's health policy. The amendment ensures that health carriers will continue to cover these students for one year after they can no longer maintain their full-time status. Vote 18-0.

Amendment (0095h)

Amend RSA 415:5, I(3-a)(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If the coverage for dependent children under subparagraph (3) includes coverage for dependent children who are full-time students beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. To establish entitlement to coverage under this subparagraph, documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician; and

Amend RSA 415:18, V(b) as inserted by section 2 of the bill by replacing it with the following:

(b) If the coverage for dependent children under paragraph IV includes coverage for dependent children who are full-time students beyond the age of 18, such dependent coverage shall include coverage for a dependent's medically necessary leave of absence from school for a period not to exceed 12 months or the date on which coverage would otherwise end pursuant to the terms and conditions of the policy, whichever comes first. To establish entitlement to coverage under this subparagraph, documentation and certification of the medical necessity of a leave of absence shall be submitted to the insurer by the student's attending physician.

AMENDED ANALYSIS

This bill extends health insurance coverage to full-time students on medical leaves of absence. Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Rogers Johnson declared a conflict of interest and did not participate.

HB 515, relative to group health insurance coverage for certain entities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Stephen B. Stepanek for the Majority of Commerce: This bill adopts a new approach to the primary function performed by a purchasing alliance. The existing model is based on the concept of using a purchasing alliance to promote competition among carriers. The new model is based on the concept of using a purchasing alliance to foster competition based on value at the health care service level. This bill is not a "quick fix" or a "silver bullet." If a group elects to form a purchasing alliance under this legislation, it will take 2 to 4 years before savings will be realized. This bill does not change any of the mandates or rating criteria adopted under SB 125 (Chapter 225, Laws of 2005). That is now the law that regulates the small group insurance market and this bill is designed to work hand in hand with SB 125. This bill does not limit the employer groups that can join a purchasing alliance to small employer groups. It allows any employer group, large or small, to join a purchasing alliance, provided that the group meets the alliance's membership criteria. This bill provides that a purchasing alliance shall set membership criteria that allows any employer group to join, or alternatively, if it limits its membership to certain groups, that the limitation must be based on membership in an organization, entity or trade association that has been existence for at least 10 years and was created for purposes other than the provision of health coverage. The Chambers of Commerce, the Bar Association, the BIA, the Real Estate Association or other similar types of trade associations could form purchasing alliances for the exclusive benefit of their members under this bill. This bill does not require that a purchasing alliance contract with more than one carrier, or offer more than one benefit plan. This bill allows a purchasing alliance that has 3,000 or more covered lives to obtain certification as a qualified purchasing alliance by demonstrating that its membership criteria is not based on risk selection and that its health benefit plan or plans will promote more cost effective use of health care services by better aligning financial incentives with health care quality and efficiency. This bill provides that the provisions of RSA 420-G apply to coverage obtained through a qualified purchasing alliance. The application of this section to the coverage sold by a qualified purchasing alliance provides that coverage, whether sold to large or small employers through a qualified purchasing alliance, may be subject to guaranteed issue and guaranteed renewal. The intent of this bill is to create a structure that allows an

association or other entity or group to develop and implement a benefit plan that will drive down the costs of health care by improving the health of the employees in that group and by promoting the cost effective use of health care services. It is designed to create financial incentives that will accrue directly to the members of the group that succeed in effecting a reduction in cost due to improved use of health care services and disease prevention. It adopted a model for doing this similar to the model that successfully reduced workers' compensation costs in New Hampshire. The committee overwhelmingly supports HB 515. Vote 15-2.

Rep. Marshall Lee Quandt for the Minority of Commerce: This bill, as amended, has not had a public hearing. After recently passing SB 125 (Chapter 225, Laws of 2005), the insurance industry and many brokers are asking that we give that time to settle down before going to another major program. It is short-sighted on our part and unfair to our constituents and the insurance industry. The minority of the committee believes we should not go forward with this bill, but give the insurance industry a chance to catch its breath and bring this bill back next year and allow for this major piece of legislation to go through the full process. Keep in mind that we were told that no other state has moved ahead in this direction. We felt that this is another major reason for the legislature to slow down the train that is pushing this legislation through the system.

Majority Amendment (0099h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to purchasing alliances.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Purchasing Alliances. Amend RSA by inserting after chapter 420-K the following new chapter:

CHAPTER 420-L PURCHASING ALLIANCES

420-L:1 Purpose. The purpose of this chapter is to:

I. Increase the affordability, efficiency, and fairness of health insurance coverage for employers by setting standards for the licensure and oversight of purchasing alliances through which employers and their employees may purchase health coverage.

II. Allow employers and their employees to obtain better value in purchasing health insurance by consolidating purchasing responsibilities and resources, thereby increasing purchasing expertise and reducing the administrative cost of health plan contracting, enrollment, premium collection, and payment for multiple employers.

III. Foster competition based on value.

420-L:2 Definitions. In this chapter:

I. "Commissioner" means the insurance commissioner.

II. "Eligible dependent" means "eligible dependents" as defined in RSA 420-G:2, V.

III. "Eligible employee" means "eligible employee" as defined in RSA 420-G:2, VI.

IV. "Employee enrollee" means an eligible employee, self-employed individual or an eligible dependent of an eligible employee who is enrolled in a health benefit plan offered through an alliance by a participating carrier.

V. "Health benefit plan" means "health coverage" as defined in RSA 420-G:2, IX.

VI. "Health carrier" means "health carrier" as defined in RSA 420-G:2, VIII.

VII. "Member employer" means an employer who enrolls in an alliance.

VIII. "Participating carrier" means a carrier that contracts with the alliance.

IX. "Purchasing alliance" means a non-risk bearing corporation or other entity licensed pursuant to RSA 420-G:10-a that provides health insurance coverage to member employers and their employees.

X. "Qualified purchasing alliance" means a purchasing alliance that has obtained certification from the commissioner under RSA 420-L:13 as a qualified purchasing alliance with authority to operate in the same manner as a qualified association trust pursuant to RSA 420-G:10.

XI. "Small employer" means "small employer" as defined in RSA 420-G:2, XVI.

420-L:3 Jurisdiction of the Commissioner; Penalties.

I. The commissioner shall regulate the establishment and conduct of purchasing alliances.

II. No person or entity, other than a qualified association trust, shall market, sell, offer, or arrange the sale of one or more health benefit plans to 2 or more employers or their eligible employees without first being licensed by the commissioner pursuant to this chapter.

III. A person or entity, not licensed by the commissioner as a purchasing alliance and engaged in the purchase, sale, marketing, or distribution of health insurance or health care benefit plans shall not hold itself out as a health insurance purchasing alliance, health insurance purchasing cooperative, or a health insurance purchasing association.

420-L:4 Purchasing Alliance Application and Licensing. To obtain authority to operate as a purchasing alliance, an application shall be completed and filed with the commissioner by an authorized representative of the corporation or other entity established to operate as a purchasing alliance. An application shall not be deemed filed until all information necessary to properly process the application has been received by the commissioner. Upon filing, the commissioner shall make a determination concerning the application and shall provide notice of the determination to the applicant. If approved, a copy of a license shall be provided to the purchasing alliance. The license shall serve as authorization to operate pursuant to this chapter.

420-L:5 Preparation of a Business Plan and Other Required Documents.

I. The application for a purchasing alliance shall include a business plan containing the following information:

- (a) A detailed, written plan of operations explaining how the applicant intends to fulfill the purposes and requirements of this chapter;
- (b) The specific steps that the alliance will use to increase affordability, efficiency, and fairness of health insurance coverage;
- (c) The specific steps that the alliance will use to allow employers and their employees to obtain better value in purchasing health insurance;
- (d) The scope of services to be offered and the resources and expertise to be used to implement and administer those services;
- (e) A provision requiring that any coverage procured by the alliance shall require that the members of the alliance be notified directly by the insurer of cancellation due to nonpayment of premium;
- (f) The personal biographical information and descriptions of the officers of the alliance;
- (g) A written statement demonstrating that those involved in the operation of the alliance have the expertise and experience to effectively and professionally represent employers and their eligible employees; and
- (h) An affirmative demonstration that financial controls are in place as a condition of licensure.

II. In addition to the business plan, each applicant shall file with the commissioner the following information or documents:

- (a) A plan that affirmatively demonstrates that the alliance has the technical expertise and capacity to serve a significant group of employers and their eligible employees;
- (b) A plan that demonstrates that the alliance has the technical capacity to provide service quality;
- (c) The applicant's articles of incorporation, bylaws or other formation and business operation documents;
- (d) A list of officers and directors of the applicant and the contract administrator, if one is employed, and personal biographical information or firm descriptions for each;
- (e) Evidence of security and prudence in the accounting, deposit, collection, handling, and transfer of moneys; and
- (f) A description of the service area in which the alliance will be marketing and offering services.

III. Material changes in the operations or the business plan shall not take effect without approval from the commissioner.

IV. The commissioner shall conduct financial and performance audits or examinations of an alliance on a regular basis. The commissioner shall require audited financial statements from an alliance. The costs of examinations or audits shall be paid by the alliance.

V. A purchasing alliance shall submit an annual report no later than April 1 of each year that includes quarterly financial statements that shows:

- (a) The alliance is operating in a sound financial fashion;
- (b) The alliance is not a risk-bearing entity; and
- (c) The alliance is utilizing sound financial controls and money management.

420-L:6 Revocation of License and Insolvency.

I. The following intentional acts shall constitute grounds for denial, non-renewal, suspension or revocation of an application or existing license, following notice and an opportunity for hearing:

- (a) Failure to comply with the provisions of RSA 420-G;
- (b) Failure to comply with the business plan filed and approved by the commissioner;
- (c) Failure to maintain adequate financial controls;
- (d) Failure to extend alliance health benefit plan coverage to eligible employees;
- (e) Failure to comply with a lawful order of the commissioner;
- (f) Engaging in an unfair or deceptive act or practice;
- (g) Filing any necessary form, including the application form, with the commissioner that contains false or materially incorrect information or omissions; or

(h) Misappropriation, conversion, illegal withholding, or refusal to pay over upon proper demand any moneys that belong to a person or participating carrier and that have been entrusted to the alliance in its fiduciary capacity.

II. The commissioner shall require the removal and replacement of managerial or marketing staff or third party contractors if necessary to remedy compliance or performance problems.

III. In the event the alliance becomes insolvent, the commissioner shall place the alliance in receivership if necessary to protect the interests of alliance enrollees.

420-L:7 Powers and Duties of Purchasing Alliances; Restrictions on Purchasing Alliances.

I. A purchasing alliance shall:

- (a) Offer health benefit plans that are available to all member employers;
- (b) Establish administrative and accounting procedures for operating the alliance, for providing services to member employers and enrollees, and for preparing an annual budget;
- (c) Develop standard enrollment procedures for enrolling employers and their eligible employees and dependents;
- (d) Establish procedures for open enrollment periods;
- (e) Establish conditions of participation for small employers that conform to the requirements of RSA 420-G and include, but are not limited to, the following:

(1) Assurances that the member employer is an employer group and is not formed for the purpose of securing health benefits coverage.

(2) Prepayment of premiums or other mechanisms to assure that payment will be made for coverage;

(f) Establish membership criteria that allow any employer to participate in the alliance or that limit participation to employers that are members of or affiliated with an association, trade group, or other entity that has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage;

(g) Provide that each eligible employee is permitted to enroll in any health benefit plan offered by any participating carrier so long as the health benefit plan provides coverage where he or she works or lives;

(h) Establish conditions of participation for participating carriers;

(i) Develop and make available a list of objective criteria that shall be met by a participating carrier offering coverage to alliance members;

(j) Establish conditions of participation for agents or brokers;

(k) Provide to alliance members clear, standardized information on the health benefit plan including information on:

- (1) Price;
- (2) Benefits;
- (3) Enrollee costs;
- (4) Quality;
- (5) Patient satisfaction;
- (6) Enrollment; and
- (7) Grievance procedures and rights and responsibilities;

(l) Transmit enrollment and eligibility information to participating carriers on a timely basis;

(m) Specify in contracts with participating carriers how all premiums shall be transmitted and the frequency of that transmission and how penalties and grace periods on late payments of premiums shall be calculated;

(n) The alliance shall have a fiduciary duty with respect to all moneys received or owed to it to assure payments of its obligations and a full accounting to its members and the commissioner; and

(o) Submit to the commissioner, quarterly financial statements, annual reports, and proposed material changes in the policy and/or operations of the business plan.

II. A purchasing alliance may:

(a) Receive, review, and act on grievances against participating carriers by member employers or enrollees;

(b) Require participating carriers to maintain health care data;

(c) Maintain a trust account or accounts for deposit of all moneys received and collected for the operation of the alliance;

(d) Establish procedures and mechanisms for billing and collection of premiums from member employers, including collection of any share of the premium paid by employee enrollees;

(e) Review information and recommendations from consumers, employers, participating carriers or health care providers and other sources, and issue periodic reports or recommendations to the commissioner to improve the delivery of health services and the purchasing of health coverage;

(f) Develop model contracts that describe for potential contractors the requirements of the alliance and provide a copy of the contract to interested carriers;

(g) Place into its contracts between the alliance and member employers the following:

(1) A provision stating that, for administrative purposes, the alliance shall be the policyholder or contract holder of the health benefit plan on behalf of member employers, their eligible employees and eligible dependents; and

(2) A provision stating that the participating carrier shall issue a certificate of coverage, or equivalent document, specifying the essential features of the health benefit plan's coverage to each enrolled eligible employee;

(h) Undertake any activity necessary to administer the alliance, including marketing and publicizing the alliance, and assuring that participating carriers, contractors, participating employers, and enrollees are in compliance with alliance requirements;

(i) Establish contracts with participating carriers to provide health coverage to alliance members;

(j) Establish contracts with employer members;

(k) Contract with qualified, independent third parties for services necessary to carry out the powers and duties of the alliance;

(l) Appoint advisory committees, as necessary, to provide technical assistance in the operation of the program and in carrying out the purposes of this chapter;

(m) Assess member employers a fee for costs incurred or anticipated in connection with the operation of the alliance;

(n) Require as a condition of membership that employers include a minimum percentage of employees in coverage purchased through the alliance;

(o) Reject or allow a carrier to reject an employer from membership or drop or allow a carrier to drop a member employer if the member fails to pay premiums or engages in fraud or material misrepresentation in connection with a health benefit plan purchased through the alliance;

(p) Contract with licensed insurance agents or brokers to market and service coverage made available through the alliance to its members. Compensation for agents and brokers shall not vary based on the actual or expected health status or medical utilization of the group to which coverage is sold;

(q) Define a set of standardized requirements that the alliance shall use to purchase insurance from a carrier;

(r) Require that member employers and their eligible employees continue to pay administrative fees that are part of the contract with the alliance if a member employer or enrollee cancels prior to completion of a contract period or membership period established by the alliance;

(s) Negotiate the premium rates charged for coverage offered through the alliance and, for small employer members, ensure that rates are consistent with the rating restrictions contained in RSA 420-G;

(t) Request such information from participating carriers as is necessary to carry out the powers and duties of this chapter;

(u) Sue or be sued, including taking action necessary for securing legal remedies on behalf of the alliance, member employers, or enrollees;

(v) Apply for loans or loan guarantees from the New Hampshire business finance authority for the purpose of funding startup costs;

(w) Receive and accept loans, grants, funds, or anything of value from a public or private entity including:

- (1) Employer premiums;
- (2) Employer participation fees;
- (3) Employer late fees;
- (4) Employer reinstatement fees;
- (5) Agent and broker fees paid by the employer;
- (6) Interest earned on accounts;
- (7) Funds paid by the participating carriers for a pooled marketing effort;
- (8) Public sector and private sector grants, gifts, loans, or donations; or
- (9) Other lawful sources;

(x) Receive and accept contributions of property, labor, or any other thing of value;

(y) Expend funds to pay:

- (1) Participating carriers under their contracts;
- (2) Third parties for services provided under contract;
- (3) Employer billing adjustments;
- (4) Agent and broker fees;
- (5) The alliance's administrative expenses; and
- (6) All other expenditures duly authorized by the board;

(z) Exercise all powers reasonably necessary to carry out the powers granted and duties imposed under this chapter; and

(aa) Enter into all other contracts as are necessary to carry out the powers and duties of the alliance.

III. A purchasing alliance shall not:

(a) Purchase health care services directly, assume risk for the cost or provision of health care services, or otherwise contract with health care providers for the provision of health care services to enrollees.

(b) Exclude from membership in the alliance an employer, eligible employee, or eligible dependent of an eligible employee who meets the alliance's membership criteria and who agrees to pay fees for membership and the premium for health coverage through the alliance and who abides by the bylaws and rules of the alliance.

(c) As a condition of membership, require an employer, eligible employee, or eligible dependent to subscribe to limited health coverage or non-health coverage related products or services.

(d) Engage in any act or practice that results in the selection of member employers and enrollees based on industry type, experience, gender, family status, education, health status, income, employer size, or other factors related to the risk profile of the group.

(e) Require or take any action inconsistent or in conflict with state laws or regulations.

420-L:8 Contracts with Participating Carriers.

I. The contracts entered into by the alliance shall:

(a) Establish performance standards for specific contractual elements;

(b) Set liquidated damages for breach of the contract;

(c) Require the insurer to notify the member employers of cancellation of the policy;

(d) Require the member employers in the event of cancellation to arrange for continuation coverage for their employees to the extent provided under federal and state law; and

(e) Contain a provision stating that if after timely receipt of the premium payment from the employer, the alliance fails to make the premium payment to the insurer, with the result that coverage is terminated, that the alliance shall be liable for benefits to the same extent as the insurer or carrier would have been liable if coverage had not been terminated.

420-L:9 Requirements for Participating Carriers.

I. To qualify as a participating carrier, a carrier shall demonstrate the following characteristics:

(a) That it is licensed and in good standing with the insurance department;

(b) That it has the ability to administer health coverage, to provide adequate service, and to comply with all contractual requirements of the alliance;

(c) That it has the ability to provide enrollees with access to covered services;

(d) That it has the ability to provide coverage for enrollees in any service area in which the carrier plans to participate through the alliance;

(e) That it has the ability to arrange and pay for quality health care services;

(f) That it has the ability to provide standard data required by the alliance, in a manner prescribed by the alliance, including information on:

(1) Plan performance;

(2) Enrollee satisfaction;

(3) Provider payment and incentive structures; and

(4) Such other data requirements prescribed by the alliance;

(g) That it has the ability to meet quality of care standards established by government and industry authorities; and

(h) That it is financially strong and has competent management.

II. Participating carriers that contract with or employ health care providers shall have the ability to accomplish the following in a manner satisfactory to the alliance:

(a) Review and report on the cost and quality of care covered;

(b) Review and report on the appropriateness of care covered; and

(c) Provide accessible health care services.

III. Each participating carrier shall:

(a) Meet the standards established by the alliance pursuant to this chapter;

(b) Provide data and information as required by the alliance;

(c) Comply with all laws and rules regarding underwriting, rating, claims handling, sales, solicitation, licensing, fair marketing, unfair trade practices, the provisions of this chapter, and other applicable state statutes;

(d) Enroll and terminate individuals in the manner specified by the alliance; and

(e) Comply with other requirements established by the alliance pursuant to this chapter.

IV. Nothing in this chapter shall prohibit participating carriers from contracting with particular health care providers or types, classes, or categories of health care providers, or setting reimbursement methodology.

V. In the event that the participating carrier elects to terminate its contract with the alliance, the participating carrier shall:

(a) Provide advance notice of its decision to the alliance; and

(b) Provide notice of the decision at least 180 days prior to the non-renewal of health coverage to the member employers and employee enrollees.

420-L:10 Marketing Health Benefit Plans.

I. The alliance shall establish marketing standards for use by participating carriers.

II. Any marketing, advertisement, or educational material for health coverage sold through the alliance shall be approved by the alliance prior to its use.

III. The alliance shall make approved marketing materials available to member employers in an efficient and standardized manner. These materials shall include, but not be limited to, an accurate summary of benefit plans, rates, cost, and accreditation information relating to the offerings of the participating carrier.

IV. This section shall not be construed to prohibit or to compel the alliance or a participating carrier from using the services of an agent or broker.

420-L:11 Conflict of Interest. No officer or board member or director or contract administrator of a purchasing alliance or members of their households may be employed by, be a consultant for, be a member of the board of directors of, or be affiliated with, or otherwise be a representative of a carrier or other insurer. This section shall not preclude an officer or board member or director or contract administrator of a purchasing alliance from purchasing health coverage through the alliance.

420-L:12 Purchasing Alliance Distinguished From Multiple Employer Welfare Arrangement. Purchasing alliances shall not be risk bearing entities, and shall not enter into a self-insured arrangement.

420-L:13 Qualified Purchasing Alliance.

I. A purchasing alliance that has a minimum of 3,000 enrollees may elect to obtain certification from the commissioner as a qualified purchasing alliance. To obtain certification, a purchasing alliance shall demonstrate:

(a) Either that it is open to all employers without discrimination or, if participation is based on membership in or an affiliation with an association, trade group or other entity, that the entity has been in existence for at least 10 years and was established and maintained for purposes other than the provision of health coverage; and

(b) That the health benefit plan or plans offered to its members and the provider payment policies associated with those plans will promote more cost effective use of health care services by providing a better alignment of financial incentives with:

(1) Health care quality improvement and efficiency; and

(2) Health promotion and disease prevention.

2 Insurance; Qualified Associated Trust. Amend RSA 420-G:10 to read as follows:

420-G:10 Qualified Association Trust *and Qualified Purchasing Alliance*.

I. A qualified association trust or other entity, as defined in RSA 420-G:2, XV, *and a qualified purchasing alliance, as defined in RSA 420-L:2, X*, shall:

(a) Comply with the rating restrictions outlined in RSA 420-G:4 for all small employer members with 50 or fewer employees based upon the association's *or alliance's* group experience, except that *for a qualified association trust*, no rating factor shall be utilized without the express written consent of the association.

(b) Offer all eligible members, as defined under the applicable trust or other documents, coverage and rates on a guaranteed issue and renewable basis.

(c) Comply with the regulations concerning medical underwriting in RSA 420-G:5.

(d) Comply with the preexisting conditions provision of RSA 420-G:7.

II. Nothing in this chapter shall be interpreted to limit the size of employers who may participate in coverage with a qualified association trust *or a qualified purchasing alliance*.

3 Repeal. The following are repealed:

I. RSA 420-G:2, XIV-a, relative to definition of purchasing alliance.

II. RSA 420-G:10-a, III and IV, relative to purchasing alliances.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a law governing purchasing alliances which may be formed for the purposes of purchasing health insurance.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Reps. Gibson, Marjorie Smith and Marshall Quandt spoke against.

Reps. Kathleen Taylor and Sheila Francouer spoke in favor.

Rep. Stepanek spoke in favor and yielded to questions.

(Deputy Speaker Weyler in the Chair)

Rep. Sheila Francouer requested a roll call; sufficiently seconded.

YEAS 286 NAYS 87

YEAS 286

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Tobin, William	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Stevens, Stanley			

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Dexter, Judson	Emerson, Susan	Espieffs, Peter	Footte, Sheila

Hogancamp, Deborah
Plifka, Stanley Jr
Tilton, Anna

Hunt, John
Richardson, Barbara
Weed, Charles

Mitchell, Bonnie
Robertson, Timothy

Pelkey, Stephen
Sawyer, Sheldon

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Mears, Edgar
Tholl, John Jr

Merrick, Scott

GRAFTON

Almy, Susan
Dorsett, Andrew
Harding, A Laurie
Mirski, Paul
Sokol, Hilda

Benn, Bernard
Gionet, Edmond
Ingbreton, Paul
Mulholland, Catherine
Solomon, Peter

Bleyler, Ruth
Giuda, Robert
Maybeck, Margie
Naro, Debra
Williams, Burton

Cooney, Mary
Hammond, Lee
McLeod, Martha
Nordgren, Sharon

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Carter, Mark
Clark, Mark
Craig, James
Dokmo, Cynthia
Emerton, Larry
Garrity, Patrick
Graham, John
Hebert, Raymond
Irwin, Anne-Marie
Kopka, Angeline
Lawrence, James
McRae, Karen
Mooney, Maureen
O'Connell, Timothy
Pilotte, Maurice
Rosenwald, Cindy
Scanlon, Michael
Shaw, Kimberly
Velez, Hector

Allan, Nelson
Beaulieu, Jane
Calawa, Leon Jr
Chase, Claudia
Clemons, Jane
Daniuk, Caitlin
Drisko, Richard
Essex, David
Golding, William
Haley, Robert
Hirschmann, Keith
Jasper, Shawn
Kurk, Neal
Lefebvre, Roland
Mead, Robert
Moran, Edward
Ober, Lynne
Price, Pamela
Ross, Lawrence
Schulze, Joan
Smith, David
Wheeler, Robert

Balboni, Michael
Bergin, Peter
Campbell, David
Christensen, D L Chris
Cote, Peter
Desmarais, Vivian
Dyer, Donald
Foster, Linda
Goley, Jeffrey
Hall, Betty
Hunter, Bruce
Jean, Claudette
L'Heureux, Robert
Manney, Pamela
Messier, Irene
Movsesian, Lori
Pappas, Christopher
Reeves, Sandra
Rowe, Robert
Shattuck, Gilman
Stepanek, Stephen

Baroody, Benjamin
Brassard, Paul
Carew, James
Christiansen, Lars
Coughlin, Pamela
DeVries, Betsi
Elliott, Nancy
Gargas, Carolyn
Gonzalez, Carlos
Hansen, Ryan
Infantine, William
Judy, Jean
Lasky, Bette
Matarazzo, Anthony Sr
Michon, Stephen
O'Brien, William
Pepino, Leo
Rochette, Eric
Ryder, Donald
Shaw, Barbara
Ulery, Jordan

MERRIMACK

Anderson, Eric
Currier, David
Field, William
Hager, Elizabeth
Klose, John
Marple, Richard
Osborne, Jessie
Shurtleff, Stephen

Bouchard, Candace
Danforth, James
Foose, Robert
Hess, David
L'Heureux, Stephen
Maxfield, Roy
Reardon, Tara
Tilton, Joy

Brueggemann, Donald
DeJoie, John
French, Barbara
Kennedy, Richard
Langlais, Thomas
McMahon, Patricia
Reed, Dennis
Williams, Robert

Clarke, Claire
DeStefano, Stephen
Greco, Vincent
Kidder, David
MacKay, James
Oliver, James
Ryan, Jim
Yeaton, Charles

ROCKINGHAM

Allen, Mary
Blanchard, MaryAnn
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Griffin, Mary
Introne, Robert

Asselin, Michael
Bridle, Russell
Carson, Sharon
Dalrymple, Janeen
Fesh, Bob
Garrity, James
Headd, James
Itse, Daniel

Belanger, Ronald
Buxton, Donald
Casey, Kimberley
Dowd, John
Flanders, John Sr
Gilbert, Karl
Hutchinson, Karen
Johnson, Robert

Bettencourt, David
Cali-Pitts, Jacqueline
Charron, Gene
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Ingram, Russell
Katsakiores, George

Katsakiores, Phyllis
Major, Norman
Morris, Richard
Pantelakos, Laura
Rolston, James
Serlin, Christopher
Weare, E Albert
Wiley, Robert

Kobel, Rudolph
Mason, April
Nowe, Ronald
Parker, Benjamin
Sanders, Elisabeth
Splaine, James
Welch, David
Winchell, George

Langley, Jane
McKinney, Betsy
O'Neil, Michael
Powers, James
Scamman, Stella
Stiles, Nancy
Weldy, Norman
Zolla, William

Lund, Howie
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, W Douglas
Waterhouse, Kevin
Wells, Roger

STRAFFORD

Albert, Russell
Cataldo, Sam
Easson, Timothy
Johnson, Nancy
Newton, Clifford
Snyder, Clair
Wall, Janet

Berube, Roger
Chaplin, Duncan
Hilliard, Dana
Kaen, Naida
Pollo, Michael
Spang, Judith

Bickford, David
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Rous, Emma
Taylor, Kathleen

Callaghan, Frank
Dunlap, Patricia
Hollinger, Jeffrey
Miller, Joseph
Schmidt, Peter
Twombly, James

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Pritchard, Stephen

Donovan, Thomas
Irish, Christopher

Franklin, Peter
Jillette, Arthur Jr

Gale, Harry
Osgood, Philip Sr

NAYS 87

BELKNAP

Tilton, Franklin

Veazey, John

Wendelboe, Fran

CARROLL

None

CHESHIRE

Allen, Peter
Pratt, John

Dunn, J Timothy
Roberts, Kris

Eaton, Daniel

Parkhurst, Henry

COOS

Buzzell, Bernard

Remick, William

Theberge, Robert

GRAFTON

Aguiar, James
Ward, John

Andersen, Gene

Eaton, Stephanie

Sorg, Gregory

HILLSBOROUGH

Barry, J Gail
Cote, David
Gibson, John
Hagan, Barbara
Hinkle, Peyton
Lessard, Rudy
Sullivan, Francis
Villeneuve, Maurice

Bergeron, Jean-Guy
Crane, Elenore Casey
Ginsburg, Ruth
Harvey, Suzanne
Holden, Randolph
Renzullo, Andrew
Sullivan, Peter
Wheeler, James

Boehm, Ralph
Egbers, Fran
Gorman, Mary
Hawkins, Ken
Johnson, Paula
Slocum, Lee
Tahir, Saghir

Buhlman, David
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Kelly, Eugene Jr
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Gile, Mary
Potter, Frances
Walz, Mary Beth

Hamm, Christine
Rush, Deanna
Whiting, Herbert

Lockwood, Priscilla
Tupper, Frank

Owen, Derek
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
DiFruscia, Anthony
Hughes, Daniel
Moore, Benjamin
Robertson, Carl

Bicknell, Elbert
Dumaine, Dudley
Johnson, Rogers
Norelli, Terie

Bishop, Franklin
Flockhart, Eileen
Manning, John
Quandt, Marshall Lee

Coburn, James
Hopfgarten, Paul
Moody, Marcia
Quandt, Matthew

STRAFFORD

Brown, Jennifer
Creteau, Irene
Smith, Marjorie

Brown, Julie
Goodwin, Earle

Brown, Lawrence
Grassie, Anne

Cilley, Jacalyn
Keans, Sandra

SULLIVAN

Converse, Larry

Ferland, Brenda

Phinizy, James

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

HB 703-FN, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: This bill would prohibit the advertising of any prescription drug or device. As such, it is most likely in violation of the First Amendment to the United States Constitution. Commercial speech is protected under that amendment and this bill would violate that amendment. The bill also would require annual reports by pharmaceutical manufacturers with the Secretary of State of all marketing and advertising expenses. This bill would also require every pharmaceutical manufacturing company to file an annual report with the Secretary of State listing the value, nature and purpose of any gift, fee, payment, subsidy or other economic benefit provided in connection with detailing, promotion and other marketing activity, including advertising, to any physician, hospital, nursing home, pharmacist, or any other person authorized to prescribe, dispense or purchase prescription drugs. As such, the bill requires the listing of all marketing and other advertising expenses to virtually everyone, including individuals who purchase prescription drugs. The bill also provides for a penalty of \$10,000.00 for each violation. This bill would increase, not decrease, the cost of medicine. Although the purpose of the bill is nowhere stated, the sponsors probably assume that a reduction in marketing and advertising expenses will result in the pharmaceutical manufacturers lowering their prices for prescription drugs. However, no evidence was presented to justify this assumption. Indeed, if the bill passed and resulted in less marketing and advertising in New Hampshire, the funds not spent in New Hampshire might well be expended in neighboring states or used for unrelated purposes. Many physicians learn of new drugs and the side effects of drugs from detail men and women who visit doctors since many doctors do not have time to read clinical studies. The Pharmaceutical Research and Manufacturers of America and many pharmaceutical manufacturers have adopted guidelines which prohibit improper payments to health care professionals. In addition, the Health and Human Services Office of the Inspector General has issued mandatory marketing guidelines enforced by the Department of Justice. New Hampshire need not legislate another layer of regulation. Eliminating or severely curtailing detailing, marketing and advertising in New Hampshire would harm the New Hampshire economy. Vote 15-4.

Rep. DeJoie spoke against.

Rep. James Martin spoke in favor.

On a division vote, 264 members having voted in the affirmative and 96 in the negative, the committee report was adopted.

HB 627-FN, relative to raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia A. Dowling for the Majority of Criminal Justice and Public Safety: This bill restores seventeen year olds who commit crimes to the juvenile justice system. If a serious crime is charged, the seventeen year old can be certified as an adult. Based on testimony and discussion the majority of the committee believes that seventeen year old offenders should be required to stay in school, adhere to strict disciplines, get proper counseling and continue monitoring. A seventeen year old, now considered as an adult, currently receives few, if any, of these services. These services will be provided within the juvenile justice system. Vote 10-5.

Rep. John E. Tholl for the Minority of Criminal Justice and Public Safety: The minority of the committee believes that this bill is ill advised for numerous reasons. The proponents of the bill stated that seventeen year olds are being sentenced to a period of incarceration and do not receive the necessary education (finish high school). Contrary to that assertion, a former correctional

superintendent stated that he had a program for inmates to receive their GED's that included a graduation ceremony with cap and gowns. A seventeen year old sentenced to the state prison would be assigned to the Granite State High School and receive a full high school diploma upon graduation. The claim was made that a person sentenced to the Youth Development Center would have a better chance at rehabilitation and would thereby reduce recidivism. Unfortunately, there are no statistics that indicate that a person sentenced to the YDC have or have not committed other offenses after release, as their juvenile records are not available. Experienced police officers related personal knowledge of circumstances concerning persons committed to the YDC having later committed crimes as adults, dispelling the myth that YDC works as a rehabilitation tool in every case. In questioning the statistics offered by the proponents it was not possible to determine the crimes for which the twenty-nine seventeen year olds who were currently in the county jails had committed or for which crimes they had been convicted. The only specific crime that was indicated was violation of parole. A violation of parole indicates a conviction for a felony which means the individual had been incarcerated in the state prison. The fiscal note indicates that passage of this bill would increase expenditures by \$3,600,000.00 for the first year, \$3,700,000.00 for the next year and approximately the same for each additional year. That adds approximately \$7,300,000.00 to the biennium. This does not take into account the monies that need to be raised by the counties (transportation increases) and municipalities.

Majority Amendment (0204h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to including persons 17 years old in the juvenile justice system.

Amend the bill by replacing section 19 with the following:

19 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill includes persons 17 years of age in the juvenile justice system.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Reps. Tholl and Winchell spoke against.

Reps. Charron and Dowling spoke in favor and yielded to questions.

(Speaker Scamman in the Chair)

Rep. Bicknell requested a roll call; sufficiently seconded.

YEAS 258 NAYS 107

YEAS 258

BELKNAP

Allen, Janet
Heald, Bruce
Veazey, John

Clark, Charles
Millham, Alida
Whalley, Michael

Fitzgerald, James
Pilliod, James

Flanders, Donald
Tobin, William

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James

Buco, Thomas
Morrow, Harry

Dickinson, Howard
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dexter, Judson
Hogancamp, Deborah
Pelkey, Stephen
Roberts, Kris

Butynski, William
Dunn, J Timothy
Hunt, John
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Eaton, Daniel
Mitchell, Bonnie
Pratt, John
Tilton, Anna

Coates, Christopher
Espiefs, Peter
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard

King, Frederick

Mears, Edgar

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
Nordgren, Sharon
Ward, John

Almy, Susan
Eaton, Stephanie
McLeod, Martha
Sokol, Hilda
Williams, Burton

Andersen, Gene
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Sorg, Gregory

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Chase, Claudia
Clemons, Jane
Craig, James
Drisko, Richard
Essex, David
Ginsburg, Ruth
Hagan, Barbara
Hunter, Bruce
Kopka, Angeline
Lefebvre, Roland
Messier, Irene
Movsesian, Lori
Price, Pamela
Ryder, Donald
Shaw, Barbara
Sullivan, Francis
Villeneuve, Maurice

Baroody, Benjamin
Calawa, Leon Jr
Christensen, D L Chris
Cote, David
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Golding, William
Haley, Robert
Irwin, Anne-Marie
Kurk, Neal
Manney, Pamela
Michon, Stephen
O'Connell, Timothy
Rochette, Eric
Scanlon, Michael
Shaw, Kimberly
Ulery, Jordan
Wheeler, Robert

Batula, Peter
Campbell, David
Christiansen, Lars
Cote, Peter
DeVries, Betsi
Egbers, Fran
Gargasz, Carolyn
Gorman, Mary
Hall, Betty
Jean, Claudette
Lasky, Bette
Matarazzo, Anthony Sr
Mooney, Maureen
Pappas, Christopher
Rosenwald, Cindy
Schulze, Joan
Smith, David
Vaillancourt, Steve

Beaulieu, Jane
Carter, Mark
Clark, Mark
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Garrrity, Patrick
Graham, John
Harvey, Suzanne
Johnson, Paula
Lawrence, James
McRae, Karen
Moran, Edward
Pilotte, Maurice
Ross, Lawrence
Shattuck, Gilman
Stepanek, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Currier, David
French, Barbara
Hess, David
MacKay, James
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Williams, Robert

Bouchard, Candace
Danforth, James
Gile, Mary
Kidder, David
Maxfield, Roy
Owen, Derek
Rush, Deanna
Wallner, Mary Jane
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
L'Heureux, Stephen
McMahon, Patricia
Potter, Frances
Ryan, Jim
Walz, Mary Beth

Clarke, Claire
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Oliver, James
Reardon, Tara
Shurtleff, Stephen
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Charron, Gene
Dowling, Patricia
Flockhart, Eileen
Hughes, Daniel
Johnson, Robert
Langley, Jane
McKinney, Betsy
Norelli, Terie
Powers, James
Sanders, Elisabeth
Stiles, Nancy
Weyler, Kenneth

Allen, Mary
Buxton, Donald
Coburn, James
Doyle, Christopher
Forsing, Robert
Hutchinson, Karen
Katsakiores, George
Major, Norman
Moody, Marcia
O'Neil, Michael
Rausch, James
Scamman, Stella
Welch, David
Zolla, William

Asselin, Michael
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Fesh, Bob
Francoeur, Sheila
Introne, Robert
Katsakiores, Phyllis
Manning, John
Moore, Benjamin
Packard, Sherman
Robertson, Carl
Serlin, Christopher
Weldy, Norman

Bishop, Franklin
Casey, Kimberley
Dowd, John
Flanders, John Sr
Gould, Kenneth
Itse, Daniel
Kobel, Rudolph
Mason, April
Morris, Richard
Pantelakos, Laura
Rolston, James
Splaine, James
Wells, Roger

STRAFFORD

Albert, Russell
Brown, Julie
Domingo, Baldwin

Berube, Roger
Brown, Lawrence
Dunlap, Patricia

Bickford, David
Cilley, Jacalyn
Grassie, Anne

Brown, Jennifer
Creteau, Irene
Hilliard, Dana

Johnson, Nancy
 Rollo, Michael
 Snyder, Clair
 Wall, Janet

Kaen, Naida
 Rous, Emma
 Spang, Judith

Keans, Sandra
 Schmidt, Peter
 Taylor, Kathleen

Miller, Joseph
 Smith, Marjorie
 Twombly, James

SULLIVAN

Cloutier, John
 Franklin, Peter
 Phinizy, James

Converse, Larry
 Gale, Harry
 Prichard, Stephen

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

NAYS 107

BELKNAP

Boyce, Laurie
 Tilton, Franklin

Nedeau, Stephen
 Wendelboe, Fran

Rosen, Ralph

Russell, David

CARROLL

Babson, David Jr

Chandler, Gene

McConkey, Mark

Stevens, Stanley

CHESHIRE

Emerson, Susan

Foote, Sheila

Sawyer, Sheldon

COOS

Lary, Bruce
 Theberge, Robert

Merrick, Scott
 Tholl, John Jr

Richardson, Herbert

Stohl, Eric

GRAFTON

Bleyler, Ruth
 Mirski, Paul

Giuda, Robert

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
 Boehm, Ralph
 Carew, James
 Francoeur, Bea
 Goyette, Peter Jr
 Hellwig, Steve
 Jasper, Shawn
 Lessard, Rudy
 Pepino, Leo
 Slocum, Lee
 Wheeler, James

Balboni, Michael
 Brassard, Paul
 Crane, Elenore Casey
 Gibson, John
 Hansen, Ryan
 Hinkle, Peyton
 Judy, Jean
 Mead, Robert
 Reeves, Sandra
 Souza, Kathleen

Barry, J Gail
 Brundige, Robert
 Desmarais, Vivian
 Goley, Jeffrey
 Hawkins, Ken
 Hirschmann, Keith
 Kelly, Eugene Jr
 O'Brien, William
 Renzullo, Andrew
 Sullivan, Peter

Bergeron, Jean-Guy
 Buhlman, David
 Elliott, Nancy
 Gonzalez, Carlos
 Hebert, Raymond
 Holden, Randolph
 L'Heureux, Robert
 Ober, Lynne
 Rowe, Robert
 Tahir, Saghir

MERRIMACK

Field, William
 Langlais, Thomas

Greco, Vincent
 Marple, Richard

Kennedy, Richard
 Tupper, Frank

Klose, John

ROCKINGHAM

Belanger, Ronald
 Carson, Sharon
 Garrity, James
 Hopfgarten, Paul
 McMahon, Charles
 Waterhouse, Kevin

Bettencourt, David
 Cooney, Richard
 Gilbert, Karl
 Ingram, Russell
 Nowe, Ronald
 Weare, E Albert

Bicknell, Elbert
 Dalrymple, Janeen
 Griffin, Mary
 Johnson, Rogers
 Quandt, Marshall Lee
 Wiley, Robert

Camm, Kevin
 Dumaine, Dudley
 Headd, James
 Lund, Howie
 Quandt, Matthew
 Winchell, George

STRAFFORD

Callaghan, Frank
 Hofemann, Roland

Cataldo, Sam
 Hollinger, Jeffrey

Chaplin, Duncan
 Knowles, William

Easson, Timothy
 Newton, Clifford

SULLIVAN

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

and the majority committee report was adopted.
 Referred to the committee on Finance.

HB 100-FN-A-L, establishing an education equity index to provide state education assistance to municipalities. **UGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F. Stiles for Education: This bill provides the technical correction necessary to HB 616 (Chapter 257, Laws of 2005), the education funding bill passed last session, in which the legislative intent was to eliminate all donor towns. HB 100, as amended, received unanimous support of the committee and has the support of the Speaker of the House and the President of the Senate. Vote 20-0.

Amendment (0162h)

Amend the title of the bill by replacing it with the following:

AN ACT amending the formula for funding public education.

Amend the bill by replacing all after the enacting clause with the following:

1 School Money; Determination of Grants and Excess Tax. Amend RSA 198:41 to read as follows:
198:41 Determination of Grants and Excess Tax.

I. For each municipality the department of education shall determine the total education grant as follows:

(a) For the fiscal years beginning July 1, 2005 and July 1, 2007, add the amounts determined in RSA 198:40-a, RSA 198:40-b, and RSA 198:40-c for each municipality. Such amount shall also be used to determine a municipality's grant in the second year of such bienniums.

(b)(1) For the fiscal year beginning July 1, 2005, if a municipality's education grant as determined in subparagraph (a) is less than 85 percent of the education grant determined for such municipality for the fiscal year beginning July 1, 2004, under the version of RSA 198:41 in effect on July 1, 2004, then the municipality shall receive a transition grant equal to the excess of 85 percent of the education grant determined for such municipality for the fiscal year beginning July 1, 2004 over the municipality's grant determined in subparagraph (a).

(2) For the fiscal year beginning July 1, 2006, an eligible municipality shall receive the same amount as determined under subparagraph (b)(1).

(c)(1) For the fiscal year beginning July 1, 2007, if a municipality's education grant as determined in subparagraph (a) is less than 85 percent of the municipality's education grant determined in subparagraph (b), then the municipality shall receive a transition grant equal to the excess of 85 percent of the education grant determined for such municipality for the fiscal year beginning July 1, 2006 over the municipality's grant determined in subparagraph (a).

(2) For the fiscal year beginning July 1, 2008, an eligible municipality shall receive the same amount as determined under subparagraph (c)(1).

(d) The total education grant shall be the sum of subparagraphs (a), (b), and (c).

(e) *The department of education shall notify municipalities of the estimated amounts of grants by the November 15 which precedes the fiscal year for which aid is determined.*

II. Annually, and in conjunction with setting tax rates under RSA 21-J:35, the department of revenue administration shall determine the amount of excess enhanced education tax for each municipality as follows:

(a) If the average daily membership of the determination year is 2 or less, zero.

(b) If the average daily membership of the determination year is greater than 2, then ~~the amount of the excess enhanced education tax to be remitted pursuant to RSA 198:46 shall be the greater of~~ revenues from all applicable sources including the municipality's equitable education grant, but excluding the statewide enhanced education tax assessment, shall be subtracted from the total school appropriation, including appropriations of village districts for school purposes, for the year for which the tax rate is being set. If the resulting balance is:

(1) ~~[Zero; or]~~ Greater than the statewide enhanced education tax assessment, then the excess statewide education tax shall be zero.

(2) ~~[The remainder when the determination year local tax assessed for schools pursuant to RSA 76:8 and the determination year statewide enhanced education tax that was not excess remitted to the state is subtracted from the statewide enhanced education tax to be assessed in the year for which aid is being calculated]~~ Less than the statewide enhanced education tax assessment, then the balance shall be subtracted from the statewide enhanced education tax assessment. The remainder shall be excess statewide enhanced education tax to be remitted under RSA 198:46.

III. ~~[The department of education shall notify municipalities of the estimated amounts of grants and excess statewide enhanced education tax payments by the November 15 which precedes the fiscal year for which aid is determined.]~~

IV. For the year in which aid is being calculated;] Total state aid for *an equitable* education shall be the sum total of ~~[all]~~ grants *in paragraph I*; plus the sum total of *the* statewide enhanced education tax assessed *pursuant to RSA 76:8*, less the *total* amount of excess statewide enhanced education tax ~~[to be]~~ remitted pursuant to RSA 198:46.

2 New Subparagraph; Determination of Excess Enhanced Education Tax Payments; Version Effective July 1, 2009. Amend RSA 198:41, I, as inserted by 2005, 257:8, by inserting after subparagraph I(b) the following new subparagraph:

(c) The department of education shall notify municipalities of the estimated amounts of grants by the November 15 which precedes the fiscal year for which aid is determined.

3 Excess Statewide Enhanced Education Tax Payment. Amend RSA 198:46 to read as follows: 198:46 Excess *Statewide Enhanced* Education ~~[Property]~~ Tax Payment.

I. ~~[The department of revenue administration shall annually determine a municipality's statewide enhanced education tax liability pursuant to RSA 198:41.]~~ Any excess *statewide enhanced education tax* shall be remitted to the department of revenue administration on or before March 15 of the tax year in which the excess occurs.

II. The commissioner of the department of revenue administration shall ~~[calculate and]~~ collect from the municipality the excess tax and pay the excess tax over to the state treasurer for deposit in the education trust fund established by RSA 198:39.

III. The amount of such excess to be remitted shall not include any income derived from the investment of funds by the municipal treasurers under RSA 41:29 and RSA 48:16. Any funds remaining after full payment of the excess tax required in paragraph I shall become available for unrestricted use by the municipality.

4 Assessment and Abatement of Taxes; Commissioner's Warrant. Amend RSA 76:8, II to read as follows:

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality by December 15 directing them to assess such sum and pay it to the municipality ~~[for the use of the school district or districts and, if there is an excess statewide enhanced education tax payment due pursuant to RSA 198:46, directing them to assess the amount of the excess payment and pay it to the department of revenue administration for deposit in the education trust fund]~~. Such sums shall be assessed at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

5 Cooperative School Districts; Certification of District Taxes. Amend RSA 195:14, I(c)-(d) to read as follows:

(c) The commissioner of revenue administration shall certify to the state department of education the ~~[total]~~ amount to be apportioned among the pre-existing school districts. ~~[Such to total] This amount shall [include] be the balance before the equitable education [cost for the district and the amount above the cost of an equitable education to be assessed and collected as local educational taxes] grant revenues are applied.~~

(d) ~~Unless the provisions of RSA 195:14-a are adopted,~~ the state department of education shall determine ~~[the] each municipality's~~ proportional share of the ~~[costs above an equitable education to be assessed as local education taxes] net appropriation after application of the grants~~ as follows:

(1) First, the department shall determine each pre-existing district's proportional share of the ~~[total]~~ amount to be apportioned based on the cooperative school district formula.

(2) Second, the department shall then deduct each pre-existing school district's equitable education ~~[cost from its proportional share of the total amount to be apportioned] grant.~~

(3) ~~[Third, the department shall notify the commissioner of revenue administration of its determinations;~~

~~[(4)] If the resulting amount [determined in subparagraph (2) for any pre-existing district] is less than zero, the department shall reduce the equitable education grant [payable to the cooperative district under RSA 198:42] under RSA 198:41 by the difference [between the amount determined in subparagraph (1) and the pre-existing district's equitable education cost].~~

~~[(4) The department shall notify the commissioner of the department of revenue administration of its determination.~~

6 Cooperative School Districts; Alternative Method of Apportioning Operating Costs. Amend RSA 195:14-a, I to read as follows:

1. As an alternative to the apportionment of operating costs set forth in RSA 195:14, the cooperative school board may fix a specific percentage of the state *equitable* education grant amount received in a given year to be applied to the operating costs of the cooperative school district, before the apportionment of remaining cooperative school district operating costs. Such percentage shall not be less than zero percent and not more than 100 percent and shall be the same in each city or town in the cooperative school district.

7 Applicability. Upon the effective date of this act, any excess statewide enhanced education tax remitted to the state by a municipality for the tax year ending March 31, 2006 shall be refunded or adjusted, as the case may be, in accordance with the provisions of this act. Any expenditure of such refund by a municipality shall comply with RSA 31:95-b.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the calculation and reporting of the statewide enhanced education tax. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 356, relative to the presentation of a budget in a joint maintenance agreement. **INEXPEDIENT TO LEGISLATE.**

Rep. John L. Ward for Education: The committee decided this is a local issue and should be resolved locally. Additionally, as a committee we were concerned with the policy of mandating RSA 32, the Municipal Budget Law, without a full hearing in the appropriate committees. Vote 14-4. Committee report adopted.

HB 646-FN-L, proposing a definition of an adequate education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for the Majority of Education: The non-germane amendment to this bill grew out of a concern statewide surrounding the designation of a "Highly Qualified Teacher." Following House Rules, a public hearing was noticed and held on November 10, 2005. Following the public hearing, it was announced an ad hoc committee would meet the following week to work out any details of the amendment. The amendment accomplishes four goals. One, it establishes that once a teacher receives a designation of HQT, that designation is portable in New Hampshire. Two, it states that a teacher shall not be "non-renewed" solely on the basis of not having enough time to earn HQT. Third, it establishes a commission to monitor the HQT situation, and fourth, it sunsets all components September 2007. Vote 14-3.

Rep. Clifford A. Newton for the Minority of Education: It was unclear if there is any real emergency or need for this legislation since nowhere in No Child Left Behind or the Highly Qualified Teachers portion of it, does it state or require that a teacher shall be dismissed if they fail to attain the HQT designation. This is an administration decision and should be left as such. New Hampshire had a chance to reach for the stars in setting high standards for its teachers, yet chose to be anchored down in mediocrity. Because our founding fathers felt that government should be slow and deliberate, this fast and furious amended bill mandating protection that isn't necessary should be voted down.

Majority Amendment (0190h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to teachers who are not deemed highly qualified pursuant to the No Child Left Behind Act.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Highly Qualified Teachers. Amend RSA 189 by inserting after section 14-g the following new section:

189:14-h Highly Qualified Teachers.

I. Teachers and paraprofessionals who meet the highly qualified criteria required under the No Child Left Behind Act shall be deemed highly qualified in all New Hampshire school districts.

II. No teacher or paraprofessional shall be dismissed or nonrenewed solely for failure to meet the highly qualified criteria under the No Child Left Behind Act, provided such teacher or paraprofessional possesses a valid license or certification issued by the department of education.

III.(a) There is hereby established a highly qualified teacher oversight commission to monitor the progression for opportunities to attain the highly qualified teacher designation. The commission shall consist of the following members:

(1) Four members from the house education committee, appointed by the speaker of the house of representatives.

(2) Two members from the senate education committee, appointed by the president of the senate.

(3) The commissioner of the department of education, or designee.

(4) A representative from the New Hampshire School Boards Association, appointed by such association.

(5) A representative from the New Hampshire School Administrators Association, appointed by such association.

(6) A representative from the National Education Association-New Hampshire, appointed by such association.

(b) The commission shall monitor the progression for opportunities to attain the highly qualified teacher designation.

(c) The commission shall elect a chairperson from among its members. The first meeting of the commission shall be called by the first-named house member, and shall be held no later than 45 days from the effective date of this section. Six members of the commission shall constitute a quorum.

(d) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

(e) The commission shall meet at least 3 times a year. Progress reports from such meetings shall be made to the chairpersons of the house and senate education committees for distribution to the committee members. The commission shall submit a final report detailing its findings and any recommendations for legislative changes to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the state library no later than September 1, 2007.

2 Repeal; 2007. RSA 189:14-h, II-III, relative to dismissal or nonrenewal of certain teachers and relative to the highly qualified teacher oversight commission, are repealed.

3 Effective Date.

I. Section 2 of this act shall take effect September 1, 2007.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Provides that teachers and paraprofessionals who meet the highly qualified criteria required under the No Child Left Behind Act shall be deemed highly qualified in all New Hampshire school districts.

II. Provides that, through September 1, 2007, no teacher or paraprofessional shall be dismissed or nonrenewed solely for failure to meet the highly qualified criteria under the No Child Left Behind Act if such teacher or paraprofessional possesses a valid license or certification issued by the department of education.

III. Establishes a highly qualified teacher oversight commission which is repealed on September 1, 2007.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Rep. Stephen L'Heureux spoke against and yielded to questions.

LAIID ON THE TABLE

Rep. Stiles moved that **HB 646-FN-L**, proposing a definition of an adequate education, be laid on the table.

Adopted.

RECESS

The House recessed at 12:55 p.m.

(Speaker Scamman in the Chair)

The House reconvened at 2:10 p.m.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 392.

Rep. Currier, Sen. Clegg for the Committee

REFERRAL TO COMMITTEE

The Chair referred **HB 254-FN**, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow and bolt licenses, to the committee on Finance.

MOTION TO VACATE

Rep. Dokmo moved that the House vacate the reference of **HB 1354**, relative to physical force in defense of a person, to the committee on Judiciary.

Motion adopted.

The Speaker referred **HB 1354**, relative to physical force in defense of a person, to the committee on Criminal Justice and Public Safety.

REGULAR CALENDAR (CONT'D.)

CACR 21, relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. **INEXPEDIENT TO LEGISLATE.** Rep. Thomas J. Langlais for Election Law: The majority believes that a two year term for governor works well. Voters are able to review a governor's performance, as they do for all elected state officials, every two years thus providing accountability to the voter. These two year terms better ensure an appropriate level of integrity and competency of elected officials.

Vote 13-5.

Reps. Keans and David Campbell spoke against.

Rep. Bucu spoke in favor and yielded to questions.

Reps. Langlais and Mirski spoke in favor.

Rep. David Campbell requested a roll call; sufficiently seconded.

YEAS 216 NAYS 145**YEAS 216****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Babson, David Jr	Brown, Carolyn	Bucu, Thomas	Dickinson, Howard
Knox, J David	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		
CHESHIRE			
Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Stohl, Eric
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GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Gargas, Carolyn
Ginsburg, Ruth	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John

Hagan, Barbara
Hinkle, Peyton
Infantine, William
Kurk, Neal
Manney, Pamela
Moran, Edward
Pepino, Leo
Renzullo, Andrew
Ryder, Donald
Smith, David
Ulery, Jordan

Hansen, Ryan
Hirschmann, Keith
Jasper, Shawn
L'Heureux, Robert
McRae, Karen
O'Brien, William
Pilotte, Maurice
Rosenwald, Cindy
Scanlon, Michael
Souza, Kathleen
Villeneuve, Maurice

Hawkins, Ken
Holden, Randolph
Johnson, Paula
Lawrence, James
Mead, Robert
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Schulze, Joan
Stepanek, Stephen
Wheeler, James

Hellwig, Steve
Hunter, Bruce
Kelly, Eugene Jr
Lessard, Rudy
Messier, Irene
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Slocum, Lee
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Kennedy, Richard
Langlais, Thomas
Oliver, James

Danforth, James
Kidder, David
Lockwood, Priscilla
Reed, Dennis

Field, William
Klose, John
MacKay, James
Whiting, Herbert

Hess, David
L'Heureux, Stephen
Marple, Richard

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Dalrymple, Janeen
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Johnson, Rogers
Lund, Howie
McMahon, Charles
Packard, Sherman
Rausch, James
Waterhouse, Kevin
Wells, Roger
Zolla, William

Asselin, Michael
Bishop, Franklin
Charron, Gene
DiFrancia, Anthony
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Katsakiores, George
Major, Norman
Morris, Richard
Palazzo, Frank
Rolston, James
Weare, E Albert
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowd, John
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Welch, David
Wiley, Robert

Bettencourt, David
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Weldy, Norman
Winchell, George

STRAFFORD

Albert, Russell
Cataldo, Sam
Hollinger, Jeffrey
Taylor, Kathleen

Berube, Roger
Chaplin, Duncan
Kaen, Naida
Twombly, James

Bickford, David
Easson, Timothy
Newton, Clifford

Brown, Julie
Hilliard, Dana
Schmidt, Peter

SULLIVAN

Converse, Larry
Osgood, Philip Sr

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

NAYS 145 BELKNAP

Morrison, Gail

Russell, David

CARROLL

Ahlgren, Christopher

Martin, James

CHESHIRE

Allen, Peter
Coates, Christopher
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

Chase, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Beaulieu, Jane	Campbell, David	Carter, Mark	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Egbers, Fran	Essex, David	Foster, Linda	Francoeur, Bea
Garrity, Patrick	Gibson, John	Golding, William	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Hebert, Raymond	Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
Pappas, Christopher	Rochette, Eric	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Velez, Hector			

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Maxfield, Roy
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Dumaine, Dudley
Flockhart, Eileen	Langley, Jane	Mason, April	Moody, Marcia
Norelli, Terie	Pantelakos, Laura	Powers, James	Robertson, Carl
Serlin, Christopher	Splaine, James	Stiles, Nancy	

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Smith, Marjorie	Snyder, Clair
Spang, Judith	Wall, Janet		

SULLIVAN

Cloutier, John	Donovan, Thomas	Franklin, Peter	Houde-Quimby, Charlotte
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	

and the committee report was adopted.

HB 184, eliminating straight ticket voting. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Michael G. Biundo for the Majority of Election Law: The majority believes that the straight ticket voting option available to voters provides an opportunity to all voters to simplify the marking of that voter's ballot when the action the voter wishes to take is to vote for all the candidates on the ballot that are of a single party. This option does not prevent a voter from voting for any candidate of another party when desired. Straight ticket voting does not contribute to recounts. Vote 12-6.

Rep. Claudia A. Chastote for the Minority of Election Law: The straight ticket was originally designed to accommodate illiteracy by using symbols to represent political parties. Complicated

instructions on our current ballot leads to voter confusion. Interpretation of a voter's intent when a straight party vote is indicated but a mark is made beside the name of a candidate of a different party is inconsistent. The need for recounts is frequently due to straight ticket voting and interpretation. Reps. Vaillancourt and Claudia Chase spoke against. Rep. O'Brien spoke in favor. Rep. Buzzell requested a roll call; sufficiently seconded.

YEAS 212 NAYS 156**YEAS 212****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pillioud, James	Russell, David	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsy	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Foote, Sheila	Hunt, John	Parkhurst, Henry
Roberts, Kris	Sawyer, Sheldon		

COOS

King, Frederick	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Andersen, Gene	Bleyler, Ruth	Dorsett, Andrew	Eaton, Stephanie
Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Sorg, Gregory	Ward, John
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Moran, Edward	O'Brien, William	Ober, Lynne	Pepino, Leo
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Velez, Hector	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Hager, Elizabeth
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Reed, Dennis	Whiting, Herbert

ROCKINGHAM

Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Johnson, Rogers
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	Mason, April	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	Wiley, Robert
Winchell, George	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Callaghan, Frank	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford
Twombly, James			

SULLIVAN

Converse, Larry	Gale, Harry	Irish, Christopher	Jillette, Arthur Jr
Osgood, Philip Sr	Rodeschin, Beverly		

NAYS 156**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas	Knox, J David	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Pelkey, Stephen
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Theberge, Robert			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Egbers, Fran	Essex, David	Foster, Linda	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie

Jean, Claudette
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Schulze, Joan
Sullivan, Francis

Jeady, Jean
Lefebvre, Roland
Michon, Stephen
Pappas, Christopher
Shattuck, Gilman
Sullivan, Peter

Johnson, Paula
Martin, Mary Ellen
Mooney, Maureen
Rochette, Eric
Shaw, Barbara
Vaillancourt, Steve

Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Rosenwald, Cindy
Shaw, Kimberly

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
French, Barbara
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

DeJoie, John
Gile, Mary
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Langley, Jane
Powers, James

Allen, Mary
Flockhart, Eileen
Moody, Marcia
Serlin, Christopher

Asselin, Michael
Gilbert, Karl
Norelli, Terie
Splaine, James

Blanchard, MaryAnn
Gould, Kenneth
Pantelakos, Laura
Wells, Roger

STRAFFORD

Bickford, David
Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Julie
Domingo, Baldwin
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Snyder, Clair

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
and the majority committee report was adopted.

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

Franklin, Peter

HB 380, relative to absentee voting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith D. Hirschmann for Election Law: This bill as amended provided a new title and will become new section of RSA 657:21-a: Absentee Voting. Special Assistance to Emergency Service Workers. The legislation will allow first responders (fire, police, National Guard, Red Cross workers, utility workers) and others determined by Emergency Management and the Department of Safety to vote by absentee ballot. The Secretary of State will ensure delivery and collection of first response absentee ballots. Vote 18-0.

Amendment (0059h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Absentee Voting; Special Assistance to Emergency Services Workers.
Amend RSA 657 by inserting after section 21 the following new subdivision:
Special Assistance to Emergency Services Workers
657:21-a Special Assistance to Emergency Services Worker.

I. If an emergency services worker receives notice after noon on the Friday before any state election that he or she is being called into service under circumstances that will prevent that person from obtaining an absentee ballot before leaving and from voting in person at the polls on election day, upon notification that such a call-out has occurred, the secretary of state with assistance from the attorney general and the department of safety shall make every reasonable effort to cause absentee ballot request forms, absentee ballots, absentee affidavits, and any other materials necessary to vote to be transported to the emergency services workers and to be returned to town or city clerk of each voter's town or ward.

II. For the purposes of this section, "emergency services worker" shall include law enforcement, emergency medical services personnel, firefighters, members of the New Hampshire national guard, utility workers, employees or volunteers for the American Red Cross, and any other emergency worker declared such by the bureau of emergency management in the division of emergency services, communications, and management, department of safety.

III. For the purposes of this section "every reasonable effort" includes, but is not limited to:

(a) Employing local, county, or state law enforcement to transport ballots, affidavits, and other necessary materials to and from the site in New Hampshire where emergency services are temporarily housed, staged, or deployed for an in-state emergency.

(b) Causing ballots, affidavits, and other necessary materials to be transported by the United States mail or commercial overnight courier to and from an out-of-state site where emergency services workers are temporarily housed, staged, or deployed for an out-of-state emergency.

IV. For the purposes of this section "circumstances that will prevent that person from voting in person at the polls on election day" shall include deployment to any disaster that has been declared by the President of the United States or the governor of New Hampshire.

V. Notwithstanding any provision of the law to the contrary, any ballot returned to a polling place pursuant to this section which arrives before the polls are closed shall be processed according to law and if found otherwise in conformance with law shall be counted.

VI. If, in the judgment of the secretary of state, time does not permit obtaining and transporting the local ballot for each emergency services worker, the secretary of state may prepare and issue a statewide-offices-only absentee ballot for the purposes of this section.

VII. The secretary of state, in cooperation with the department of safety and the attorney general, shall develop procedures for implementing this section. The procedures shall include publication of an emergency telephone number available 24 hours daily during the period covered by this section, to allow after-hours and weekend notification to the secretary of state that his section is being invoked. Suitable information on the availability of this section shall be made available to persons covered by this section.

VIII. The public agency or employer of emergency services workers responsible for making call-outs subject to the provisions of this section shall provide the secretary of state with the name and domicile address of each person called out and an address where an absentee ballot may be delivered on the Saturday, Sunday, or Monday prior to the election at the site of the emergency.

IX. If the costs of executing this section at any election exceed \$500, the secretary of state shall certify the same to the state treasurer, and prepare a manifest to authorize the state treasurer to make payments from funds not otherwise appropriated. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill establishes special absentee voting procedures for emergency services workers who are unable to vote in person because they have been deployed to a disaster.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 501, relative to proving qualifications to vote, requiring identification to obtain a ballot, and relative to citizenship on New Hampshire identifications. **OUGHT TO PASS WITH AMENDMENT.** Rep. William L. O'Brien for Election Law: When a person is seeking to register to vote and does not have sufficient evidence of citizenship or domicile to determine qualification on either basis under RSA 654:12, election officials shall accept citizenship or domicile affidavits as that evidence. The statute as it now reads appears to assume, but does not expressly state, that this information has to be accurate in order for the ballot cast by the voter to be valid. This bill as amended, makes this assumption clear by stating that all qualifying information given in one of these affidavits has to be accurate for the vote to be valid. By limiting the requirements to vote, inconsequential, minor errors in the affidavits will not invalidate a vote. Vote 11-3.

Amendment (0207h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to citizenship and domicile affidavits.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Voter Registration; Determining Qualifications of Applicant; Affidavits. Amend RSA 654:12 by inserting after paragraph II the following new paragraph:

III. All information establishing the qualification of the affiant to vote that is provided in a citizenship affidavit or a domicile affidavit presented under this section must be accurate for the resulting vote to be valid.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill declares that information provided in a citizenship or domicile affidavit must be accurate for the resulting vote to be valid.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Cali-Pitts requested a roll call; sufficiently seconded.

YEAS 233 NAYS 131

YEAS 233

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Russell, David	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Parkhurst, Henry	Pelkey, Stephen	Sawyer, Sheldon
Weed, Charles			

COOS

King, Frederick	Lary, Bruce	Mears, Edgar	Remick, William
Richardson, Herbert	Tholl, John Jr		

GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Garrity, Patrick	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Hunter, Bruce
Infantine, William	Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal

L'Heureux, Robert
Matarazzo, Anthony Sr
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Souza, Kathleen
Ulery, Jordan

Lawrence, James
McRae, Karen
Moran, Edward
Pepino, Leo
Renzullo, Andrew
Scanlon, Michael
Stepanek, Stephen
Villeneuve, Maurice

Lessard, Rudy
Mead, Robert
O'Brien, William
Pilotte, Maurice
Ross, Lawrence
Shaw, Barbara
Sullivan, Francis
Wheeler, James

Manney, Pamela
Messier, Irene
O'Connell, Timothy
Price, Pamela
Rowe, Robert
Slocum, Lee
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Foose, Robert
Klose, John
MacKay, James
Reed, Dennis

Danforth, James
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Whiting, Herbert

DeStefano, Stephen
Hess, David
Langlais, Thomas
Maxfield, Roy
Williams, Robert

Field, William
Kidder, David
Lockwood, Priscilla
Oliver, James

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Charron, Gene
DiFruscia, Anthony
Fesh, Bob
Garrit, James
Hopfgarten, Paul
Introne, Robert
Katsakiores, George
Major, Norman
Morris, Richard
Palazzo, Frank
Rolston, James
Weare, E Albert
Weyler, Kenneth

Asselin, Michael
Buxton, Donald
Coburn, James
Dowd, John
Flanders, John Sr
Gilbert, Karl
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Welch, David
Wiley, Robert

Bettencourt, David
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Stiles, Nancy
Weldy, Norman
Winchell, George

Bicknell, Elbert
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Ingram, Russell
Johnson, Rogers
Lund, Howie
McMahon, Charles
Packard, Sherman
Rausch, James
Waterhouse, Kevin
Wells, Roger
Zolla, William

STRAFFORD

Albert, Russell
Cataldo, Sam
Hofemann, Roland
Twombly, James

Berube, Roger
Chaplin, Duncan
Hollinger, Jeffrey
Wall, Janet

Brown, Julie
Dunlap, Patricia
Newton, Clifford

Brown, Lawrence
Easson, Timothy
Rous, Emma

SULLIVAN

Gale, Harry
Phinizy, James

Irish, Christopher
Rodeschin, Beverly

Jillette, Arthur Jr

Osgood, Philip Sr

NAYS 131

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

Patten, Betsey

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Roberts, Kris

Butcher, Suzanne
Dunn, J Timothy
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Eaton, Daniel
Pratt, John
Tilton, Anna

Chase, William
Espiefs, Peter
Richardson, Barbara

COOS

Buzzell, Bernard

Merrick, Scott

Stohl, Eric

Theberge, Robert

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Skol, Hilda	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Buhlman, David	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Egbers, Fran	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Jean, Claudette	Judy, Jean	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Michon, Stephen	Movsesian, Lori	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Smith, David
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	

MERRIMACK

Bouchard, Candace	Bueggemann, Donald	Clarke, Claire	DeJoie, John
French, Barbara	Gile, Mary	Greco, Vincent	Hamm, Christine
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Cali-Pitts, Jacqueline
Casey, Kimberley	Dowling, Patricia	Flockhart, Eileen	Gould, Kenneth
Langley, Jane	Mason, April	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Robertson, Carl	Scamman, Stella
Serlin, Christopher	Splaine, James		

STRAFFORD

Bickford, David	Brown, Jennifer	Callaghan, Frank	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Hilliard, Dana	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Prichard, Stephen	

and the committee report was adopted.

Ordered to third reading.

Rep. Solomon voted Yea and intended to vote Nay.

RECESS

The Speaker announced a brief recess.

(Speaker Scamman in the Chair)

The Speaker reconvened the House session.

REGULAR CALENDAR (CONT'D.)

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission.
MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Michael D. Whalley for the Majority of Election Law: This bill as amended will establish an Executive Branch Ethics Committee made up of seven members, three of whom shall be nomi-

nated by the Governor, no more than two of whom shall be of the same political party and one of whom shall be an attorney and member of the New Hampshire Bar Association. Two members shall be nominated by the Secretary of State and not be of the same political party and two members shall be nominated by the Treasurer and not be of the same political party. All nominations shall be confirmed by the Governor and Executive Council. Committee members shall have staggered three year terms. This amendment would recodify RSA 15-B, relative to gifts, honorariums and expense reimbursements, by among other things, prohibiting gifts with a value greater than ten dollars and money in any amount. This bill would not prohibit political contributions, commercially reasonable loans, ceremonial objects or awards with a value of less than fifty dollars, objects which primarily serve an informational purpose, gifts where the donor's act of giving is purely private and personal in nature and would have been given and received even if the person were not an elected official, public official, public employee, constitution 1 official or legislative employee, wages, salary and benefits, tickets or free admission to a charitable, ceremonial or political event and meals and beverages consumed in the course of official business. This bill as amended would also make changes to the financial disclosure requirement for public officials under RSA 15-A by more adequately defining persons required to file, how and when they would file and create more uniform forms for those filing. Changes would also be made to RSA 15-A relative to lobbyists by more appropriately defining lobbying to also include lobbying before the executive branch of government and to require lobbyists to report all fees received for all purposes, not merely what is left after expenses or the removal of payments that are claimed to relate to other matters. SB 206 would also place restrictions on simultaneous employment by prohibiting a lobbyist from serving at the same time as a public employee as defined by RSA 15-B:2, IX. It is important to point out that this prohibition shall not apply to service on a commission, committee, board, panel, advisory committee or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A, the Right to Know Law. This prohibition would also not apply to a public employee or appointee or volunteer testifying at a public hearing or making public comment. This bill as amended would also require that the chairperson and vice-chairperson shall be elected from among the legislative members of the committee. Vote 11-6.

Rep. James R. Splaine for the Minority of Election Law: It is not appropriate for the majority of the Executive Branch Ethics Committee to be appointed by the constitutional officers who are elected by, and thus beholden to, the legislative branch. We believe we should continue to follow the traditional well-proven procedure of the majority of the members of commissions to be nominated by the Governor with the confirmation of the Executive Council. The minority further believes that volunteers of all kinds will be discouraged by this bill. Volunteers are essential to the cost-effective and efficient operation of our state government. Instead of discouraging such volunteer participation in the executive branch, we should welcome it. We should require that volunteers not try to unduly influence government, and we should hold them accountable to the same code of ethics as other members of the executive branch.

Majority Amendment (0238h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing an executive branch ethics committee and recodifying RSA 15 relative to lobbyists, RSA 15-A relative to financial statements, and RSA 15-B relative to gifts, honorariums and expense reimbursements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; et al: 21 by inserting after paragraph II the following new paragraph:

II-a. "Executive branch official" means every elected official as defined by RSA 15-B:2, III, who holds an executive branch office, every public official as defined by RSA 15-B:2, X and every public employee as defined by RSA 15-B:2, IX.

2 Code of Ethics; References to Public Employees Deleted. Amend RSA 21-G:22 through RSA 21-G:27 to read as follows:

21-G:22 Conflict of Interest. ~~[Public employees and public]~~ *Executive branch* officials shall avoid conflicts of interest. ~~[Public employees and public]~~ *Executive branch* officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

21-G:23 Misuse of Position. No ~~[public official and no public employee]~~ *executive branch official* shall:

I. Disclose or use confidential or privileged information acquired in the performance of his or her duties for the state for personal benefit or for financial gain. [Public officials and public employees shall not]

II. Use [their positions] his or her position with the [government] state to secure privileges or advantages for [themselves] himself or herself, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others.

21-G:24 Acceptance of Campaign Contributions. *[A public official or a public employee] An executive branch official who is a candidate for an elective office that is not subject to the reporting requirements of RSA 664 and who accepts a [financial contribution or other form of] political contribution from [an] any person or entity which is or is likely to become subject to that [public official's or public employee's] executive branch official's duties shall make a disclosure of such contributions to the secretary of state within 5 days of receipt of such contributions. The disclosure shall be in writing and on such form as the secretary of state shall prescribe.*

21-G:25 [Acceptance and Giving of Gifts. Any public employee, public official, and any public employee's or public official's spouse or dependent who gives, solicits, accepts, or agrees to accept a gift from a person who is subject to or likely to become subject to or interested in any matter or action pending before or contemplated by the public employee or official or by the governmental body with which that employee or official is affiliated shall disclose the gift in the statement of financial disclosure filed under RSA 21-G:28. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted in accordance with the law.] *Restrictions on Simultaneous Employment and Public Service. Volunteer public service to the executive branch is not to be used by volunteers or their business associates to obtain, directly or through a lobbyist, inequitable opportunities for non-public personal communications with executive branch decision makers to influence those executive branch decision makers in the performance of their duties. In furtherance of this prohibition, no person shall:*

I. Be a person who has a duty to register as a lobbyist pursuant to RSA 15 and at the same time serve as a public employee as defined by RSA 15-B:2, IX. Unless otherwise prohibited by law, this prohibition shall not apply to appearances before the courts or serving in a position appointed by governor and council; or

II. Be a person who is, or is employed by or has ownership interest in any entity, engaged in or likely to become engaged in promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court, or promoting or opposing action or inaction on any matter, contract, license, permit, or administrative rule, proposed or pending, before the executive branch and at the same time serve as a public employee as defined by RSA 15-B:2, IX, or as an appointee or volunteer for any multi-branch commission, committee, board, or similar governmental entity. Unless such service is otherwise prohibited by law, this prohibition shall not apply to:

(a) Service on a commission, committee, board, panel, advisory committee, or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A;

(b) Service related entirely to a ceremonial or celebratory event or duties; or

(c) A public employee or an appointee or volunteer for any multi-branch entity testifying at a public hearing or making public comment at a public meeting.

21-G:26 Employment Restrictions. For 6 months after leaving office or employment with the state, no [public] executive branch official shall appear as a lobbyist:

I. To promote or oppose directly any specific legislation pending or proposed before the general court [on behalf of]; or

II. To directly promote or oppose action or inaction on any matter, contract, license, permit, or administrative rule pending before the executive branch or with regard to any matter over which that executive branch official had personal and direct responsibility while in state government.

21-G:27 Supplemental State Agency Ethical Codes. In addition to this code, each agency may promulgate a supplemental ethics code to address issues specific to that agency. In the event of a conflict, *[the provisions of this code shall supersede the agency code] with the provisions of this code, a stricter provision of an agency code shall govern.* To the extent that this code or an ethics code adopted by an agency shall apply to classified employees, this code, or an agency code, shall be interpreted to be consistent with the provisions of the classified employees' collective bargaining agreement and the state personnel rules.

3 New Sections; Executive Branch Ethics Committee Established. RSA 21-G:29 is repealed and reenacted to read as follows:

21-G:29 Executive Branch Ethics Committee Established; Jurisdiction; Membership.

I. There is hereby established an executive branch ethics committee to issue guidelines, interpretive rulings, and advisory opinions relative to standards for ethical conduct in the executive branch and to resolve, through procedures established under RSA 21-G:32, issues, questions, or complaints involving executive branch officials who are not classified employees.

II. The jurisdiction of the committee shall consist of matters arising under the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, RSA 15-B, and rules or guidelines adopted thereunder, as applied to executive branch officials who are not classified employees.

III. The committee shall consist of 7 members, nominated in the following manner:

(a) Three members, nominated by the governor, no more than 2 of whom shall be members of the same political party as defined in RSA 652:11, and one of whom shall be an attorney and member of the New Hampshire Bar Association.

(b) Two members, who shall not be members of the same political party as defined in RSA 652:11, nominated by the secretary of state.

(c) Two members, who shall not be members of the same political party as defined in RSA 652:11, nominated by the treasurer.

IV. All nominations under paragraph III shall be confirmed by the governor and executive council.

V. Persons appointed to the committee shall be qualified by excellent personal reputation and by education or experience in public service, in resolving ethical issues facing persons in public service, or in the law. No executive branch official shall serve as a committee member, and no person who has registered as a lobbyist under RSA 15:1 shall serve as a committee member, or for 6 months following the expiration of such registration.

VI. Committee members shall serve terms of 3 years and until their successors are appointed and qualified. However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall nominate one member for a one-year term and one member for a 2-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies shall be filled for the remainder of any unexpired term. Following their appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any candidate or proposition, participate in any way in any election campaign, make a contribution as defined in RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

VII. The governor shall designate one of the governor's appointees as chair, who shall convene the first meeting, which shall take place no later than 30 days after a majority of the membership has been appointed. The members shall elect by majority vote a vice-chair and secretary from the remaining members.

VIII. Committee members shall receive no compensation, except that committee members shall receive mileage at the state employee rate.

21-G:30 Duties.

I. The committee shall be authorized to:

(a) Issue guidelines consistent with the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, and RSA 15-B, relative to proper and appropriate conduct for individuals relating to the performance of their duties as executive branch officials. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule, or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a person subject to any law, guideline, rule, or regulation concerning the application of any law, guideline, rule, or regulation within the committee's jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. Any advisory opinion concerning any person subject to the provisions of this subdivision who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this subdivision that the person complained

against acted in reliance upon such advisory opinion. The name of the person seeking an advisory opinion and any information in the opinion that would identify such person shall be non-public. A redacted version of the advisory opinion shall be public.

(d) Receive sworn complaints, investigate allegations of violations of this subdivision or guidelines adopted thereunder by executive branch officials and make appropriate findings of fact and conclusions with respect to such conduct.

(e) Investigate any unauthorized disclosure of information by any committee member or assistant and report to the appropriate authority any allegation which it finds to be substantiated.

II. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective, except that a vote to summarily dismiss a complaint shall be unanimous, and a vote to dismiss a complaint after only an internal review and no investigation shall be by an affirmative vote of no less than 5 members of the committee and a vote pursuant to RSA 21-G:31, VII shall require only a majority of the members present and voting. The committee shall request to meet with the legislative ethics committee established under RSA 14-B at least twice yearly to facilitate uniformity in the interpretation of statutory provisions.

III. The committee shall provide the legislative ethics committee with copies of all publicly issued guidelines, procedures, decisions, or opinions.

21-G:31 Complaints; Procedure.

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. Before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

(b) For any complaint not summarily discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded. If the committee concludes by a recorded affirmative vote of no less than 5 members of the committee that the alleged conduct is not within the committee's jurisdiction, is without merit, or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the executive branch official, with an explanation of the basis of such determination.

II. If the committee, by recorded vote, concludes that the complaint is within its jurisdiction and may have merit, the committee may proceed to conduct a preliminary investigation. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) The violation is inadvertent, technical, or of a de minimis nature and shall be addressed by informal methods; or

(c) There are reasonable grounds to believe a violation occurred and formal proceedings shall be instituted to inquire further into the complaint. In that event, the committee shall issue a formal statement of charges and proceed to a hearing on the complaint.

III. Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) No action is appropriate because there is not clear and convincing evidence that a violation occurred;

(c) Based upon clear and convincing evidence, a violation occurred, but such violation does not justify formal disciplinary action and shall be resolved by informal methods; or

(d) Based upon clear and convincing evidence, a violation occurred, and the violation was of a serious nature so as to warrant formal disciplinary action. In the case of a finding of violation by a executive branch official, the committee may recommend disciplinary action by the appropriate body, including but not limited to a recommendation for disciplinary action by the executive branch official's supervisor, removal from office under RSA 4:1, or, in the case of the governor,

executive council member, or other officer of the state, impeachment or other appropriate action pursuant to part II, article 38 of the New Hampshire constitution. In addition to any recommendation for disciplinary action under this subparagraph, the committee may refer the case to the department of justice for criminal prosecution. In the event that conduct may constitute both a criminal act and misconduct subject to the jurisdiction of the committee, the committee may on its own motion or by motion of the attorney general suspend its investigation or a pending hearing for the time period reasonably necessary to avoid compromising a criminal prosecution.

IV. Any person who knowingly or willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the department of justice for prosecution.

V. Except as otherwise provided in this paragraph and notwithstanding any other provision of law, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work, shall be confidential. The committee shall first examine any sworn complaint and shall conduct its initial review and preliminary investigation of complaints in a confidential manner, unless otherwise requested by the executive branch official complained against. The committee shall conduct formal proceedings, other than its deliberations, in public session. The committee's deliberations on complaints shall be conducted in nonpublic session. Upon completion of the preliminary investigation conducted under paragraph II or at the conclusion of formal proceedings under paragraph III, the committee shall make available for public inspection all records, other than its work product and internal memoranda relating to the complaint.

VI. In proceedings under this subdivision, the committee shall have the power to issue subpoenas and administer oaths.

VII Any member of the committee who is directly or indirectly involved in any complaint before the committee or who otherwise has personal knowledge of facts material to the determination of the complaint shall not participate in any proceedings regarding the complaint. In the event that recusals under this paragraph reduce the number of participating members to fewer than 4, the remaining participating members shall designate an alternate or alternates sufficient to increase the committee to 4 members, to serve on the committee for that case only.

21-G:32 Rules; Procedures and Standards. The committee shall adopt, publish, and make available to the public rules governing its procedures, including provisions for disqualification of members for conflict of interest and provisions for the committee to discipline its members for breach of committee procedures, as well as guidelines referred to in RSA 21-G:30, I, consistent with the procedures set forth in RSA 541-A.

21-G:33 Committee Administration and Staff. The committee shall be administratively attached to the department of justice, which shall provide appropriate administrative and investigative staff and legal counsel in support of the committee's activities, at the committee's request. Files and records of the committee shall be protected against access other than by members of the committee and other persons specifically authorized by the committee.

21-G:34 Penalty.

I. Any person who knowingly or willfully violates RSA 21-G:21-27 or makes unauthorized disclosure of confidential matters or materials contrary to RSA 21-G:31, or interferes with or obstructs lawful activities of the committee, shall be guilty of a misdemeanor and may be subject to disciplinary action as provided in RSA 21-G:31, III(d) and other applicable law.

II. In the case of any person convicted under this section, the court may order restitution.

21-G:35 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

4 Executive Order Superseded. The provisions of this act and RSA 21-G:21-27 supercede and replace the provisions of Executive Order Number 98-I, dated May 19, 1998.

5 Legislative Ethics Committee; Membership Criteria. Amend RSA 14-B:2, II and III to read as follows:

II. No person registered with the secretary of state as a lobbyist under RSA 15 shall serve as a member of the legislative ethics committee *or for 6 months following the expiration of such registration.*

III. Appointments to the committee shall be made by December 31 prior to the first legislative session of the biennium. A committee meeting shall be called no later than February 1 in the

first legislative session of the biennium. The members shall elect a chairperson and vice-chairperson *from among the legislative members of the committee* at this meeting. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. *The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.*

6 Legislative Ethics Committee; Complaint Procedure; Reference Changed. Amend the introductory paragraph of RSA 14-B:4, I to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA ~~[14-B:7]~~ **15-A and RSA 15-B**. The committee shall promptly examine each sworn complaint and:

7 Lobbyists. RSA 15 is repealed and reenacted to read as follows:

CHAPTER 15

LOBBYISTS

15:1 Registration.

I. Any person who is employed for a consideration by any other person, except the state of New Hampshire, in a representative capacity for the purposes specified in paragraph II of this section shall first register as a lobbyist with the secretary of state. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as lobbyist.

II. Registration is required where the person, partnership, firm, or corporation is employed:

(a) To promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or;

(b) To promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, as defined in RSA 15-A:2, subject to the exclusions in paragraph III.

III. Such registration is not required where the person:

(a) Is employed to represent another only in an adjudicative proceeding or nonadjudicative process as defined or described in RSA 541-A, other than a rulemaking proceeding or any process related to the purchasing of goods or services by the state, and who files an appearance with the authority conducting the matter; or

(b) Is an owner or employee, of a business seeking to do business with the state or communicating with an executive branch official or employee, a state agency, or an administrative official of the general court regarding goods or services that are being or may be purchased by the state.

IV. All registrations required under this section shall expire on December 1.

15:2 Name Tag.

I. Any person who is required to register as a lobbyist under RSA 15:1 shall wear on his or her outer garment a clearly visible name tag when lobbying in the state house or the legislative office building, or before the governor, governor and council, or a state agency. Such name tag shall have white lettering on a hunter orange background and shall be at least 1 ½ inches high and 2 ½ inches long. This name tag shall consist of lobbyist's first and last name and the word "lobbyist" or the name of the organization represented in letters at least ¼ inch high.

II. A person whose lobbying activity is appearing to testify before a legislative committee in an open hearing session is exempt from the requirements of paragraph I.

15:3 Registration Form.

I. The lobbyist registration shall be on a form prescribed by the secretary of state that shall at a minimum include:

(a) The full name of the person registering, if that person is affiliated with a partnership, firm, or corporation, the name of that partnership, firm, or corporation, the name of the client who has employed the person registering, his or her respective business addresses, or if none, his or her residence address.

(b) The usual occupation or primary field of business of each.

(c) The date and character of the employment or agreement therefore.

(d) The duration of the employment if it can be determined.

(e) The special subjects of legislation or executive branch action, if any, to which the employment relates.

(f) If the person registering is a member of or affiliated with a partnership, firm, or corporation that has other members or employees who are also registered as a lobbyist, a list of the full name of each such person. Being listed in this subparagraph does not relieve anyone who will be lobbying for this client from being listed individually under subparagraph (a).

(g) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15 and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. If the employment varies from time to time, a current registration shall be maintained for each employment.

15:4 Registration Fee. The fee for registration as a lobbyist under RSA 15:1 for any one year shall be \$50 for each person lobbying for each reported client or employer. A fee shall be paid for each individual who acts as a lobbyist for each client or employer regardless of his or her affiliation with any other registered lobbyist.

15:5 Prohibited Activities.

I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

15:6 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client for all purposes.

(b) What portion of the total fees received are related, directly or indirectly, to lobbying services.

(c) All expenditures made from lobbying fees, including by whom paid or to whom charged.

(d) Any honorarium or expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional or personal capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer or by a family member of the lobbyist. The statements shall be open to public inspection. For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

II. Lobbyists shall file statements no later than the second Friday of each month covering all fees received and expenditures, contributions, honorariums, or expense reimbursements made during the previous month, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.

V. The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

(a) The full name of each lobbyist covered by the report.

(b) The name of the lobbyist partnership, firm, or corporation, if any.

(c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.

(d) For each client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, for all purposes, a statement of what portion of the gross fees received are related, directly or indirectly, to lobbying services, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each honorarium or expense reimbursement made, that is reportable pursuant to RSA 15-B:

(1) The name of the client on whose behalf the expense reimbursement or honorarium was made, if any.

(2) The name of the person receiving the honorarium or expense reimbursement.

(3) A brief description of the event to which the honorarium or expense reimbursement relates.

(4) The value of the honorarium or expense reimbursement.

(f) For each political contribution made that is reportable pursuant to RSA 664:

(1) The name of the candidate.

(2) The office the candidate is seeking.

(3) The value of the contribution.

(4) If the contribution is an in-kind contribution, a brief description of the contribution.

(g) For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

(h) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15, RSA 15-B, and RSA 664 and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." This statement shall be made under oath before a notary public or justice of the peace.

V. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

15:7 Blanks. The secretary of state shall provide suitable forms in paper or electronic form to carry out the requirements of this chapter.

15:8 Penalty. Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Whoever shall make and file any statement under this chapter which is to his or her knowledge false shall be deemed guilty of perjury and punished accordingly.

15:9 Examination of Statements of Fees and Expenditures. It shall be the duty of the attorney general to examine the statements of fees and expenditures which are made under this chapter to the secretary of state and to compel such returns be made to comply with the law.

15:10 Testimonial Privilege. No person shall be excused from testifying in a proceeding instituted against another person under the foregoing sections for the reason that he might thereby incriminate himself; but no testimony so given by him shall be used directly or indirectly as evidence against him in any prosecution, nor shall he be prosecuted for any offenses so disclosed by him.

15:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

8 Financial Disclosure. RSA 15-A is repealed and reenacted to read as follows:

CHAPTER 15-A FINANCIAL DISCLOSURE

15-A:1 Purpose. The purpose of this chapter is to ensure that the performance of official duties does not give rise to a conflict of interest, by requiring the following persons to file a statement of financial interests with the secretary of state. This chapter shall be liberally construed to effect this purpose.

15-A:2 Definitions. In this chapter:

I. "Agency" means the executive branch and any department, division, board, commission, or equivalent entity of the executive branch.

II. "Agency head" means the commissioner or equivalent leader of any department, and the highest ranking member of any commission, board, institution, bureau, or office, which is not a subordinate component of a department or equivalent agency, by whatever name called, other than the legislative and judicial branches of state government.

III. "Family member" shall mean any person related to and living in the same domicile as the elected official, public official, public employee, constitutional official, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

IV. "Income" means any money or thing of value received.

V. "Primary occupation" means any business, business association, public sector employment, nonprofit employment, or self-employment which provides the largest source of income for the candidate.

15-A:3 Persons Required to File. The following persons shall file a statement of financial interests as required by this chapter:

I. All candidates who file for state or county office.

II. All persons filing an acceptance of nomination form for state or county office.

III. Every person appointed by the governor, governor and council, president of the senate, or the speaker of the house of representatives to any board, commission, committee, board of directors, authority, or equivalent state entity whether regulatory, advisory, or administrative in nature.

IV. All agency heads.

V. Any public official designated, due to the responsibilities of the position, by the agency head.

VI. The secretary of state and the treasurer, and any of their subordinates designated, due to the responsibilities of the position, by the secretary of state or treasurer.

VII. All persons elected to state or county office, and all persons appointed to such elective office to fill a vacancy; and

VIII. Any person, not employed by or working under contract for the state, who is acting on behalf of the governor or an agency while engaged in state business.

15-A:4 Designated Public Officials. The governor shall file with the secretary of state an organizational chart identifying the names and titles of all persons who are acting on behalf of the governor and who are required to file a statement of financial interests. Each agency head shall file with the secretary of state an organizational chart identifying the names, titles, and position numbers of persons in his or her department that are required to file a statement of financial interests. The secretary of state and the state treasurer shall file with the secretary of state an organizational chart identifying the names and titles of all persons in his or her department that are required to file a statement of financial interests.

15-A:5 Form of Disclosure. The secretary of state shall establish a uniform statement of financial interests, which may be in paper or electronic form.

I. The statement of financial interest shall include:

(a) The full text of RSA 15-A.

(b) The full name, work address, work phone number, primary occupation, and, if different, the office, appointment, or employment with government held by person filing the statement of financial interest.

(c) The name, address, and type of any profession, business, or other organization in which the reporting individual or family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. If the person filing the financial interest statement has no qualifying income he or she shall report this by writing his or her initials following the statement "My income does not qualify ____."

(d) A statement of whether the person reporting or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the person reporting the financial interest or a family member than it would on the general public:

(1) Any profession, occupation, or business licensed or certified by the state of New Hampshire, listing each such profession, occupation, or category of business.

(2) Health care.

(3) Insurance.

(4) Real estate, including brokers, agents, developers, and landlords.

(5) Banking or financial services.

(6) State of New Hampshire, county, or municipal employment.

(7) The New Hampshire retirement system.

(8) The current use land assessment program.

(9) Restaurants and lodging.

(10) The sale and distribution of alcoholic beverages.

(11) The practice of law.

(12) Any business regulated by the public utilities commission.

(13) Horse or dog racing, or other legal forms of gambling.

(14) Education.

(15) Water resources.

(16) Agriculture.

(17) New Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax.

(18) The reporting official may, but is not required by this chapter to specify any other area for which he or she has a special interest.

(e) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information pertinent to the administration and enforcement of laws relating to financial disclosure. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

III. The statement of financial interests, if filed on paper, shall be completed by typewriting or legible hand printing, and shall be verified, dated, and signed by the reporting individual personally.

IV. The secretary of state shall maintain the statement of financial interests for 6 years, after which time the statement may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes the public information on statements of financial interest available to the public through the internet.

15-A:6 Deadlines for Filing. All persons subject to this chapter shall file a statement of financial interests annually no later than the third Friday in January. All persons subject to this chapter, except those who are elected, shall file a statement of financial interests within 14 days of assuming the office, position, or appointment that makes the person subject to this chapter, unless the person has previously filed a statement during the calendar year.

15-A:7 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

15-A:8 Examination of Disclosures. It shall be the duty of the attorney general to examine the statements of financial interests which are made under this chapter to the secretary of state and to compel such disclosures to be made to comply with the law.

15-A:9 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

9 Gifts, Honorariums, and Expense Reimbursements. RSA 15-B is repealed and reenacted to read as follows:

CHAPTER 15-B

GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS

15-B:1 Purpose. The purpose of this chapter is to ensure that the performance of official duties does not give rise to a conflict of interest, by prohibiting certain gifts and by requiring certain persons to file with the secretary of state a report of any honorariums or expense reimbursements received. This chapter shall be liberally construed to effect this purpose.

15-B:2 Definitions. For the purposes of this chapter:

I. "Agency" means the executive branch and any department, division, board, commission, or equivalent entity of the executive branch.

II. "Constitutional official" means the secretary of state, the state treasurer, their deputies, assistants, and all employees of their departments.

III. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

IV. "Expense reimbursement" shall mean payment in any form as prepayment, underwriting, or reimbursement of the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide informational or educational conference, seminar, or meeting, when the source of such reimbursement is other than the state, a county, or the United States of America.

V. "Gift" means:

(a) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.

(b) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than \$10 is presumed to be of insignificant economic value.

(c) Notwithstanding subparagraphs (a) and (b), "gift" shall not include:

(1) A political contribution as defined in RSA 664.

(2) A commercially reasonable loan, made in the ordinary course of business.

(3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.

(4) A ceremonial object or award, the value of which is primarily personal to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of \$50 or less is presumed to be of inconsequential economic value.

(5) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or an intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or intangible thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

(7) Wages, salary, benefits, mileage or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.

(8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.

(9) Tickets or free admission to a charitable, ceremonial, or political event provided that:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice or which is a charitable organization pursuant to section 501(C)(3) of the federal tax code; or

(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.

(10) Meals, beverages, lodging, or transportation associated with attendance at:

(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or

(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.

(11) Expense reimbursement or an honorarium.

(12) Meals and beverages consumed in the course of official business.

VI. "Honorarium" means a payment in any form to an elected official, public official, public employee, constitutional official, or legislative employee for services for which the person is not being compensated by the state, a county, the United States of America, or any other employer or client, where the service provided is related to or associated with office or employment held with government. Honorarium includes, but is not limited to, a payment as described above, for making a speech, preparing a written document, or serving as an advisor or consultant.

VII. "Family member" shall mean any person related to and living in the same domicile as the elected official, public official, public employee, constitutional official, or legislative employee, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

VIII. "Legislative employee" means any person employed by the legislative branch.

IX. "Public employee" means any person, including but not limited to a classified employee, who is acting on behalf of the governor or an agency while engaged in state business.

X. "Public official" means a commissioned, unclassified, or nonclassified executive branch employee, but shall not include any commissioned, unclassified, or nonclassified employee elected by the legislature.

XI. "Value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

15-B:3 Prohibition on Gifts.

I. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any elected official, public official, public employee, constitutional official, or legislative employee.

II. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any family member, as defined in this chapter, of any elected official, public official, public employee, constitutional official, or legislative employee, with a purpose of influencing or affecting the official conduct of such official or employee.

III. No elected official, public official, public employee, constitutional official, or legislative employee shall knowingly accept, directly or indirectly, any gift, as defined in this chapter.

15-B:4 Limitation on Receipt of an Honorarium. No public official or public employee shall accept an honorarium from a person who is subject to or likely to become subject to or interested in any matter or action pending before, or contemplated by, the public official, public employee, or the governmental body with which that person is affiliated.

15-B:5 Expense Reimbursement. An elected official, public official, public employee, constitutional official, or legislative employee may accept expense reimbursement for the reasonable expenses for food, travel, and lodging for a conference, meeting, seminar, or educational program which the person attends and that is related to the office, position, or employment held with the state or county, provided that the person attaches to the disclosure report a copy of the agenda or an equivalent document which discloses the subjects addressed and the time schedule of all activities at the event. This provision shall not be construed to require reporting of a prepayment, underwriting, or reimbursement made by an organization to which the state or county pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.

15-B:6 Duty to Report. An elected official, public official, public employee, or legislative employee who receives an, honorarium or expense reimbursement shall file a report with the secretary of state no later than the last day of the month following the month during which the gift, honorarium, or expense reimbursement was received.

15-B:7 Honorarium, or Expense Reimbursement Report. The secretary of state shall establish a uniform report of receipt of an honorarium or expense reimbursement, which may be in paper or electronic form.

I. The report shall include at a minimum the following information, which shall be public:

(a) The full name, work address, work phone number, the office, appointment, or employment held by person subject to the reporting requirement.

(b) The full name, post office address, occupation, and principal place of business, if any, of the source of any reportable honorarium or expense reimbursement. When the source is a corporation or other entity, the name and work address of the person representing the corporation or entity in making the honorarium or expense reimbursement must be provided in addition to the name of the corporation or entity.

(c) The value of the honorarium or expense reimbursement. When the exact value is unknown, the person filing the report shall provide an estimate of the value of the gift or honorarium and identify the value as an estimate.

(d) A brief description of the service or event that gave rise to the honorarium or expense reimbursement. Reports of expense reimbursement must include a copy of the agenda or an equivalent document.

(e) The date on which the honorarium or expense reimbursement was received.

(f) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 15-B and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information helpful to the administration and enforcement of laws relating to honorariums or expense reimbursements. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

15-B:8 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a report under this chapter shall file with the secretary of state. The reports shall be held in the original form for 6 years from the date of filing, after which time they may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes the public information in the reports required by this chapter available to the public through the internet.

15-B:9 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false report shall be guilty of a misdemeanor.

15-B:10 Examination of Reports. It shall be the duty of the attorney general to examine the reports which are made under this chapter to the secretary of state and to compel such returns be made to comply with the law.

15-B:11 Limitations. This chapter shall not be construed to:

I. Prevent receptions, breakfasts, luncheons, dinners, dances, or picnics or like events from being held for the sole purpose of raising political contributions, provided such contributions comply with and are reported as required by RSA 664.

II. Prohibit gifts or expense reimbursements made to the state of New Hampshire and accepted in accordance with the law.

15-B:12 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

10 Repeal. The following are repealed:

I. RSA 14-B:7, relative to the financial disclosure form for legislators.

II. RSA 21-G:5-a, relative to the financial disclosure form for board and commission members.

III. RSA 21-G:21, III, relative to the definition of gift.

IV. RSA 21-G:21, IV, relative to the definition of public employee.

V. RSA 21-G:21, V, relative to the definition of public official.

VI. RSA 21-G:28, relative to the financial disclosure form for public officials.

11 Applicability. Notwithstanding the change in reporting requirements otherwise established by this act, the statement of financial interests for testimonials, gifts, and honorariums received between June 2, 2005 and June 1, 2006 shall, as required by RSA 15-B prior to its repeal and reenactment, be filed with the secretary of state no later than June 15, 2006.

12 Effective Date. This act shall take effect June 2, 2006.

AMENDED ANALYSIS

This bill establishes an executive branch ethics committee and recodifies RSA 15, relative to lobbyists; RSA 15-A, relative to financial disclosure statements for public officials; and RSA 15-B, relative to reporting requirements for gifts, honorariums, and expense reimbursements. Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 216 NAYS 145

YEAS 216

BELKNAP

Allen, Janet
Flanders, Donald
Pilliod, James
Veazey, John

Boyce, Laurie
Heald, Bruce
Russell, David
Wendelboe, Fran

Clark, Charles
Millham, Alida
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Nedeau, Stephen
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Merrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Stevens, Stanley

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Dorsett, Andrew
Ingbreton, Paul
Sorg, Gregory

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Graham, John
Hebert, Raymond
Holden, Randolph
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Tahir, Saghir
Wheeler, Robert

Allan, Nelson
Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Hagan, Barbara
Hellwig, Steve
Hunter, Bruce
L'Heureux, Robert
McRae, Karen
Moran, Edward
Pepino, Leo
Ross, Lawrence
Slocum, Lee
Ulery, Jordan

Balboni, Michael
Bergin, Peter
Calawa, Leon Jr
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hansen, Ryan
Hinkle, Peyton
Infantine, William
Lawrence, James
Mead, Robert
O'Brien, William
Price, Pamela
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

Barry, J Gail
Boehm, Ralph
Carew, James
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Kelly, Eugene Jr
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Stepanek, Stephen
Wheeler, James

MERRIMACK

Anderson, Eric
Hess, David
Langlais, Thomas
Oliver, James

Danforth, James
Kennedy, Richard
MacKay, James
Reed, Dennis

Field, William
Kidder, David
Marple, Richard
Whiting, Herbert

Hager, Elizabeth
Klose, John
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Dalrymple, Janeen
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles

Asselin, Michael
Bishop, Franklin
Charron, Gene
DiFrancia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
Manning, John
Morris, Richard

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Johnson, Rogers
Langley, Jane
Mason, April
Nowe, Ronald

Bettencourt, David
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Katsakiores, George
Lund, Howie
McKinney, Betsy
O'Neil, Michael

Packard, Sherman
Rausch, James
Scamman, Stella
Welch, David
Winchell, George

Palazzo, Frank
Robertson, Carl
Stiles, Nancy
Weldy, Norman
Zolla, William

Quandt, Marshall Lee
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Quandt, Matthew
Sanders, Elisabeth
Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Chaplin, Duncan
Hollinger, Jeffrey

Berube, Roger
Dunlap, Patricia
Newton, Clifford

Bickford, David
Easson, Timothy
Twombly, James

Cataldo, Sam
Hofemann, Roland

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 145

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butynski, William
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Espiefs, Peter
Pratt, John
Tilton, Anna

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
McLeod, Martha
Solomon, Peter

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Craig, James
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Jeudy, Jean
Lefebvre, Roland
Movsesian, Lori
Schulze, Joan
Smith, David
Velez, Hector

Beaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Foster, Linda
Gorman, Mary
Irwin, Anne-Marie
Johnson, Paula
Martin, Mary Ellen
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Francis

Brassard, Paul
Cote, David
DeVries, Betsi
Garrity, Patrick
Haley, Robert
Jasper, Shawn
Kopka, Angeline
Matarazzo, Anthony Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Peter

Campbell, David
Cote, Peter
Egbers, Fran
Ginsburg, Ruth
Hall, Betty
Jean, Claudette
Lasky, Bette
Michon, Stephen
Rosenwald, Cindy
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
French, Barbara
Lockwood, Priscilla
Reardon, Tara
Tilton, Joy
Williams, Robert

DeJoie, John
Gile, Mary
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Serlin, Christopher	Splaine, James	Wells, Roger

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Hilliard, Dana
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the majority committee amendment was adopted.
Rep. Whalley offered floor amendment (0295h).

Floor Amendment (0295h)

Amend RSA 21-G:25, II as inserted by section 2 of the bill by replacing it with the following:

II. Be a person who is, or is employed by or has ownership interest in any entity, engaged in or likely to become engaged in promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court, or promoting or opposing action or inaction on any matter, contract, license, permit, or administrative rule, proposed or pending, before the executive branch and at the same time serve as a public employee as defined by RSA 15-B:2, IX, or as an appointee or volunteer for any multi-branch commission, committee, board, or similar governmental entity. Unless such service is otherwise prohibited by law, this prohibition shall not apply to:

(a) Service on a commission, committee, board, panel, advisory committee, or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A or the public right of access mandated by part 1, article 8 of the New Hampshire constitution;

(b) Service related entirely to a ceremonial or celebratory event or duties;

(c) A public employee, appointee, or volunteer performing an administrative, public health, or safety, or consumer protection-related function for any state agency, or testifying or participating in any public meeting or hearing;

(d) Ownership of publicly-traded stock; or

(e) A public employee, appointee, or volunteer's personal application for any license, permit, or ruling from a state agency.

Reps. Whalley and O'Neil spoke in favor.

Rep. Splaine spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 219 NAYS 140

YEAS 219**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Neddeau, Stephen
Pilliod, James	Russell, David	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Roberts, Kris

Hogancamp, Deborah
Sawyer, Sheldon

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Dorsett, Andrew
Ingbretson, Paul
Sorg, Gregory

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Calawa, Leon Jr
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hansen, Ryan
Hinkle, Peyton
Infantine, William
L'Heureux, Robert
McRae, Karen
Moran, Edward
Pepino, Leo
Ross, Lawrence
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

Barry, J Gail
Boehm, Ralph
Carew, James
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Jasper, Shawn
Lawrence, James
Mead, Robert
O'Brien, William
Price, Pamela
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve

Batula, Peter
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Graham, John
Hebert, Raymond
Holden, Randolph
Kelly, Eugene Jr
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Stepanek, Stephen
Villeneuve, Maurice

Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Hagan, Barbara
Hellwig, Steve
Hunter, Bruce
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Tahir, Saghir
Wheeler, James

MERRIMACK

Anderson, Eric
Hess, David
Langlais, Thomas
Oliver, James

Danforth, James
Kennedy, Richard
MacKay, James
Reed, Dennis

Field, William
Kidder, David
Marple, Richard
Whiting, Herbert

Hager, Elizabeth
Klose, John
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Dalrymple, Janeen
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Welch, David
Wiley, Robert

Asselin, Michael
Bishop, Franklin
Charron, Gene
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
Manning, John
Morris, Richard
Palazzo, Frank
Robertson, Carl
Stiles, Nancy
Weldy, Norman
Winchell, George

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Johnson, Rogers
Langley, Jane
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Waterhouse, Kevin
Wells, Roger
Zolla, William

Bettencourt, David
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Katsakiores, George
Lund, Howie
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Weare, E Albert
Weyler, Kenneth

STRAFFORD

Albert, Russell
Chaplin, Duncan
Hollinger, Jeffrey

Berube, Roger
Dunlap, Patricia
Newton, Clifford

Bickford, David
Easson, Timothy
Twombly, James

Cataldo, Sam
Hofemann, Roland

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 140**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Eaton, Daniel
Plifka, Stanley Jr
Tilton, Anna

Chase, William
Espiefs, Peter
Pratt, John
Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguir, James
Bleyler, Ruth
McLeod, Martha
Solomon, Peter

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Craig, James
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Francis

Beaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Foster, Linda
Gorman, Mary
Irwin, Anne-Marie
Kopka, Angeline
Matarazzo, Anthony Sr
Rochette, Eric
Shaw, Barbara
Sullivan, Peter

Brassard, Paul
Cote, David
DeVries, Betsi
Garrity, Patrick
Haley, Robert
Jean, Claudette
Lasky, Bette
Michon, Stephen
Rosenwald, Cindy
Shaw, Kimberly
Velez, Hector

Campbell, David
Cote, Peter
Egbers, Fran
Ginsburg, Ruth
Hall, Betty
Jeudy, Jean
Lefebvre, Roland
Movsesian, Lori
Schulze, Joan
Smith, David

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
French, Barbara
Lockwood, Priscilla
Reardon, Tara
Tilton, Joy
Williams, Robert

DeJoie, John
Gile, Mary
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Powers, James

Blanchard, MaryAnn
Moody, Marcia
Serlin, Christopher

Cali-Pitts, Jacqueline
Norelli, Terie
Splaine, James

Casey, Kimberley
Pantelakos, Laura

STRAFFORD

Brown, Jennifer
Cilley, Jacalyn

Brown, Julie
Creteau, Irene

Brown, Lawrence
Domingo, Baldwin

Callaghan, Frank
Hilliard, Dana

Johnson, Nancy
 Rollo, Michael
 Spang, Judith

Kaen, Naida
 Rous, Emma
 Taylor, Kathleen

Keans, Sandra
 Schmidt, Peter
 Wall, Janet

Miller, Joseph
 Smith, Marjorie

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte
 and floor amendment (0295h) was adopted.

Converse, Larry
 Jillette, Arthur Jr

Donovan, Thomas
 Phinizy, James

Franklin, Peter
 Prichard, Stephen

Rep. Jasper moved Recommit to committee and spoke in favor.

Rep. Whalley spoke against.

Rep. Clemons requested a roll call; sufficiently seconded.

YEAS 157 NAYS 203

YEAS 157

BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

Dickinson, Howard

CHESHIRE

Allen, Peter
 Coates, Christopher
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

Butcher, Suzanne
 Dunn, J Timothy
 Parkhurst, Henry
 Roberts, Kris

Butynski, William
 Eaton, Daniel
 Plifka, Stanley Jr
 Robertson, Timothy

Chase, William
 Espiefs, Peter
 Pratt, John
 Tilton, Anna

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
 Bleyler, Ruth
 McLeod, Martha
 Solomon, Peter

Almy, Susan
 Cooney, Mary
 Mulholland, Catherine

Andersen, Gene
 Hammond, Lee
 Nordgren, Sharon

Benn, Bernard
 Harding, A Laurie
 Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
 Chase, Claudia
 Craig, James
 Essex, David
 Goley, Jeffrey
 Haley, Robert
 Jasper, Shawn
 Kopka, Angeline
 Matarazzo, Anthony Sr
 Pilotte, Maurice
 Schulze, Joan
 Smith, David
 Velez, Hector

Beaulieu, Jane
 Clemons, Jane
 Daniuk, Caitlin
 Foster, Linda
 Gorman, Mary
 Hall, Betty
 Jean, Claudette
 Lasky, Bette
 McRae, Karen
 Rochette, Eric
 Shattuck, Gilman
 Sullivan, Francis

Brassard, Paul
 Cote, David
 DeVries, Betsi
 Garrity, Patrick
 Graham, John
 Harvey, Suzanne
 Jedy, Jean
 Lefebvre, Roland
 Michon, Stephen
 Rosenwald, Cindy
 Shaw, Barbara
 Sullivan, Peter

Campbell, David
 Cote, Peter
 Egbers, Fran
 Ginsburg, Ruth
 Hagan, Barbara
 Irwin, Anne-Marie
 Johnson, Paula
 Martin, Mary Ellen
 Movsesian, Lori
 Ross, Lawrence
 Shaw, Kimberly
 Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
 DeStefano, Stephen
 Greco, Vincent
 McMahon, Patricia
 Rush, Deanna
 Tupper, Frank
 Yeaton, Charles

Brueggemann, Donald
 Foose, Robert
 Hager, Elizabeth
 Osborne, Jessie
 Ryan, Jim
 Wallner, Mary Jane

Clarke, Claire
 French, Barbara
 Hamm, Christine
 Potter, Frances
 Shurtleff, Stephen
 Walz, Mary Beth

DeJoie, John
 Gile, Mary
 Lockwood, Priscilla
 Reardon, Tara
 Tilton, Joy
 Williams, Robert

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Norelli, Terie
Serlin, Christopher

Blanchard, MaryAnn
Gould, Kenneth
Pantelakos, Laura
Splaine, James

Cali-Pitts, Jacqueline
Langley, Jane
Powers, James
Wells, Roger

Casey, Kimberley
Moody, Marcia
Robertson, Carl

STRAFFORD

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Keans, Sandra
Schmidt, Peter
Wall, Janet

Bickford, David
Callaghan, Frank
Hilliard, Dana
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Cilley, Jacalyn
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Julie
Creteau, Irene
Kaen, Naida
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

NAYS 203**BELKNAP**

Allen, Janet
Flanders, Donald
Russell, David
Wendelboe, Fran

Boyce, Laurie
Heald, Bruce
Tilton, Franklin
Whalley, Michael

Clark, Charles
Millham, Alida
Tobin, William

Fitzgerald, James
Nedeau, Stephen
Veazey, John

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Dorsett, Andrew
Ingbreton, Paul
Sorg, Gregory

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Hansen, Ryan
Hinkle, Peyton
Infantine, William
Lawrence, James
Messier, Irene

Allan, Nelson
Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Hawkins, Ken
Hirschmann, Keith
Kelly, Eugene Jr
Lessard, Rudy
Mooney, Maureen

Balboni, Michael
Bergin, Peter
Calawa, Leon Jr
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hebert, Raymond
Holden, Randolph
Kurk, Neal
Manney, Pamela
Moran, Edward

Barry, J Gail
Boehm, Ralph
Carew, James
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Hunter, Bruce
L'Heureux, Robert
Mead, Robert
O'Brien, William

O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Tahir, Saghir

Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Villeneuve, Maurice

Pepino, Leo
Rowe, Robert
Souza, Kathleen
Wheeler, James

Price, Pamela
Ryder, Donald
Stepanek, Stephen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Kennedy, Richard
MacKay, James
Reed, Dennis

Danforth, James
Kidder, David
Marple, Richard
Whiting, Herbert

Field, William
Klose, John
Maxfield, Roy

Hess, David
Langlais, Thomas
Oliver, James

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Dalrymple, Janeen
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Weare, E Albert
Wiley, Robert

Asselin, Michael
Bishop, Franklin
Charron, Gene
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Ingram, Russell
Johnson, Rogers
Lund, Howie
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Welch, David
Winchell, George

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Hopfgarten, Paul
Introne, Robert
Katsakiores, George
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Stiles, Nancy
Weldy, Norman
Zolla, William

Bettencourt, David
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Manning, John
Morris, Richard
Palazzo, Frank
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Albert, Russell
Easson, Timothy
Twombly, James

Cataldo, Sam
Hofemann, Roland

Chaplin, Duncan
Hollinger, Jeffery

Dunlap, Patricia
Newton, Clifford

SULLIVAN

Gale, Harry
and the motion failed.

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

(Deputy Speaker Weyer in the Chair)

Rep. Weed offered floor amendment (0296h).

Floor Amendment (0296h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing an executive branch ethics committee and recodifying RSA 15 relative to lobbyists, RSA 15-A relative to financial statements, and RSA 15-B relative to gifts, honorariums and expense reimbursements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Code of Ethics; Definition of Executive Branch Official Added. Amend RSA 21-G:21 by inserting after paragraph II the following new paragraph:

II-a. "Executive branch official" means a member of the executive branch elected by the public or the general court, or a commissioned, unclassified, nonclassified, or classified executive branch employee. The term also includes volunteers serving in an official capacity in the executive branch.

2 Code of Ethics; References to Public Employees Deleted. Amend RSA 21-G:22 through RSA 21G-27 to read as follows:

21-G:22 Conflict of Interest. ~~[Public employees and public]~~ *Executive branch* officials shall avoid conflicts of interest. ~~[Public employees and public]~~ *Executive branch* officials shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties.

21-G:23 Misuse of Position. No ~~[public official and no public employee]~~ *executive branch official* shall:

I. Disclose or use confidential or privileged information acquired in the performance of his or her duties for the state for personal benefit or for financial gain. [Public officials and public employees shall not]

II. Use [their positions] his or her position with the [government] state to secure privileges or advantages for [themselves] himself or herself, which are not generally available to governmental employees, or to secure governmental privileges or advantages for others.

21-G:24 Acceptance of Campaign Contributions. ~~[A public official or a public employee]~~ *An executive branch official* who is a candidate for an elective office that is not subject to the reporting requirements of RSA 664 and who accepts a ~~[financial contribution or other form of]~~ political contribution from ~~[an] any person or entity~~ which is or is likely to become subject to that ~~[public official's or public employee's]~~ *executive branch official's* duties shall make a disclosure of such contributions to the secretary of state within 5 days of receipt of such contributions. The disclosure shall be in writing and on such form as the secretary of state shall prescribe.

21-G:25 ~~[Acceptance and Giving of Gifts. Any public employee, public official, and any public employee's or public official's spouse or dependent who gives, solicits, accepts, or agrees to accept a gift from a person who is subject to or likely to become subject to or interested in any matter or action pending before or contemplated by the public employee or official or by the governmental body with which that employee or official is affiliated shall disclose the gift in the statement of financial disclosure filed under RSA 21-G:28. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted in accordance with the law.]~~ *Ethical Standards for Volunteer Service. Volunteer public service in the executive branch is an honorable tradition which should be encouraged to remain so. Accordingly, such service is not to be used by volunteers or their business associates to obtain, directly or indirectly, inequitable opportunities for non-public personal communications with executive branch decision makers to influence those executive branch decision makers in the performance of their duties. In furtherance of this prohibition, no person who has a duty to register as a lobbyist pursuant to RSA 15 may at the same time serve as a public employee as defined by RSA 15-B:2, IX. Unless otherwise prohibited by law, this prohibition shall not apply to appearances before the courts or serving in a position appointed by governor and council.*

21-G:26 Employment Restrictions. For 6 months after leaving office or employment with the state, no ~~[public]~~ *executive branch* official shall appear as a lobbyist:

I. To promote or oppose directly any specific legislation pending or proposed before the general court [on behalf of]; or

II. To directly promote or oppose action or inaction on any matter, contract, license, permit, or administrative rule pending before the executive branch or with regard to any matter over which that executive branch official had personal and direct responsibility while in state government.

21-G:27 Supplemental State Agency Ethical Codes. In addition to this code, each agency may promulgate a supplemental ethics code to address issues specific to that agency. In the event of a conflict[, the provisions of this code shall supersede the agency code] *with the provisions of this code, a stricter provision of an agency code shall govern.* To the extent that this code or an ethics code adopted by an agency shall apply to classified employees, this code, or an agency code, shall be interpreted to be consistent with the provisions of the classified employees' collective bargaining agreement *and the state personnel rules.*

3 New Sections; Executive Branch Ethics Committee Established. RSA 21-G:29 is repealed and reenacted to read as follows:

21-G:29 Executive Branch Ethics Committee Established; Jurisdiction; Membership.

I. There is hereby established an executive branch ethics committee to issue guidelines, interpretive rulings, and advisory opinions relative to standards for ethical conduct in the executive branch and to resolve, through procedures established under RSA 21-G:32, issues, questions, or complaints involving executive branch officials who are not classified employees.

II. The jurisdiction of the committee shall consist of matters arising under the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, RSA 15-B, and rules or guidelines adopted thereunder, as applied to executive branch officials who are not classified employees.

III. The committee shall consist of 7 members, nominated in the following manner:

(a) Three members, nominated by the governor, two of whom shall be members of different political parties as defined in RSA 652:11 and one of whom, at the time of nomination, shall have no declared affiliation with a political party as defined in RSA 652:11. One of these members shall be an attorney and member of the New Hampshire Bar.

(b) Three members, nominated jointly by the secretary of state and the treasurer, two of whom shall be members of different political parties as defined in RSA 652:11 and one of whom, at the time of nomination, shall have no declared affiliation with a political party as defined in RSA 652:11.

(c) One member nominated by majority vote of committee members appointed in accordance with subparagraphs (a) and (b) of this paragraph and paragraph IV of this section.

IV. All nominations under paragraph III shall be confirmed by the governor and executive council.

V. Persons appointed to the committee shall be qualified by excellent personal reputation and by education or experience in public service, in resolving ethical issues facing persons in public service, or in the law. No executive branch official shall serve as a committee member, and no person who has registered as a lobbyist under RSA 15:1 shall serve as a committee member, or for 6 months following the expiration of such registration.

VI. Committee members shall serve terms of 3 years and until their successors are appointed and qualified. However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; and the secretary of state and the treasurer shall jointly nominate one member for a one-year term, one member for a 2-year term, and one member for a 3-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies shall be filled for the remainder of any unexpired term. Following their appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any candidate or proposition, participate in any way in any election campaign, make a contribution as defined in RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

VII. The governor shall designate one of the governor's appointees as chair, who shall convene the first meeting, which shall take place no later than 30 days after a majority of the membership has been appointed. The members shall elect by majority vote a vice-chair and secretary from the remaining members.

VIII. Committee members shall receive no compensation, except that committee members shall receive mileage at the state employee rate.

21-G:30 Duties.

I. The committee shall be authorized to:

(a) Issue guidelines consistent with the executive branch code of ethics, RSA 21-G:21-27, RSA 15-A, and RSA 15-B, relative to proper and appropriate conduct for individuals relating to the performance of their duties as executive branch officials. Such guidelines shall be consistent with statute.

(b) Issue interpretative rulings explaining and clarifying any law, guideline, rule, or regulation within the jurisdiction of the committee.

(c) Render an advisory opinion, in writing within a reasonable time, in response to a written request by a person subject to any law, guideline, rule, or regulation concerning the application of any law, guideline, rule, or regulation within the committee's jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. Any advisory opinion concerning any person subject to the provisions of this subdivision who acted in reliance thereon, shall be binding upon the committee, and it shall be an absolute defense in any complaint brought under this subdivision that the person complained against acted in reliance upon such advisory opinion. The name of the person seeking an advisory opinion and any information in the opinion that would identify such person shall be non-public. A redacted version of the advisory opinion shall be public.

(d) Receive sworn complaints, investigate allegations of violations of this subdivision or guidelines adopted thereunder by executive branch officials and make appropriate findings of fact and conclusions with respect to such conduct.

(e) Investigate any unauthorized disclosure of information by any committee member or assistant and report to the appropriate authority any allegation which it finds to be substantiated.

II. All actions of the committee shall require an affirmative vote of 4 or more members of the committee before becoming effective, except that a vote to summarily dismiss a complaint shall be unanimous, and a vote to dismiss a complaint after only an internal review and no investigation shall be by an affirmative vote of no less than 5 members of the committee and a vote pursuant to RSA 21-G:31, VII shall require only a majority of the members present and voting. The committee shall request to meet with the legislative ethics committee established under RSA 14-B at least twice yearly to facilitate uniformity in the interpretation of statutory provisions.

III. The committee shall provide the legislative ethics committee with copies of all publicly issued guidelines, procedures, decisions, or opinions.

21-G:31 Complaints; Procedure.

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. Before any other action is taken by the committee, the executive branch official complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee may initiate a complaint on its own motion against any individual the committee has reason to believe has violated any law, guideline, rule, or regulation within the committee's jurisdiction. The committee shall promptly examine each sworn complaint and:

(a) Upon first examination, if by a unanimous vote it determines that a complaint is frivolous, scurrilous, retaliatory in nature, or plainly not within the committee's jurisdiction, the committee may summarily discharge the complaint without further meeting or proceeding. The committee shall notify the respondent and complainant in writing of its action.

(b) For any complaint not summarily discharged, the committee shall conduct an initial review to ascertain whether the committee has jurisdiction to consider the complaint or whether the complaint is without merit or is unfounded. If the committee concludes by a recorded affirmative vote of no less than 5 members of the committee that the alleged conduct is not within the committee's jurisdiction, is without merit, or is unfounded, the committee shall dismiss the complaint and shall report such conclusion to the complainant and to the executive branch official, with an explanation of the basis of such determination.

II. If the committee, by recorded vote, concludes that the complaint is within its jurisdiction and may have merit, the committee may proceed to conduct a preliminary investigation. Upon completion of its preliminary investigation, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) The violation is inadvertent, technical, or of a de minimis nature and shall be addressed by informal methods; or

(c) There are reasonable grounds to believe a violation occurred and formal proceedings shall be instituted to inquire further into the complaint. In that event, the committee shall issue a formal statement of charges and proceed to a hearing on the complaint.

III. Upon completion of the hearing, the committee shall conclude by recorded vote that:

(a) No violation occurred and no further action is appropriate;

(b) No action is appropriate because there is not clear and convincing evidence that a violation occurred;

(c) Based upon clear and convincing evidence, a violation occurred, but such violation does not justify formal disciplinary action and shall be resolved by informal methods; or

(d) Based upon clear and convincing evidence, a violation occurred, and the violation was of a serious nature so as to warrant formal disciplinary action. In the case of a finding of violation by a executive branch official, the committee may recommend disciplinary action by the appropriate body, including but not limited to a recommendation for disciplinary action by the executive branch official's supervisor, removal from office under RSA 4:1, or, in the case of the governor, executive council member, or other officer of the state, impeachment or other appropriate action pursuant to part II, article 38 of the New Hampshire constitution. In addition to any recommendation for disciplinary action under this subparagraph, the committee may refer the case to the department of justice for criminal prosecution. In the event that conduct may constitute both a criminal act and misconduct subject to the jurisdiction of the committee, the committee may on its own motion or by motion of the attorney general suspend its investigation or a pending hearing for the time period reasonably necessary to avoid compromising a criminal prosecution.

IV. Any person who knowingly or willfully swears falsely to a sworn complaint does so under penalty of perjury, and the committee may refer any such case to the department of justice for prosecution.

V. Except as otherwise provided in this paragraph and notwithstanding any other provision of law, all proceedings, information, communications, materials, papers, files, and transcripts, written or oral, received or developed by the committee in the course of its work, shall be confidential. The committee shall first examine any sworn complaint and shall conduct its initial review and preliminary investigation of complaints in a confidential manner, unless otherwise requested by the executive branch official complained against. The committee shall conduct formal proceedings, other than its deliberations, in public session. The committee's deliberations on complaints shall be conducted in nonpublic session. Upon completion of the preliminary investigation conducted under paragraph II or at the conclusion of formal proceedings under paragraph III, the committee shall make available for public inspection all records, other than its work product and internal memoranda relating to the complaint.

VI. In proceedings under this subdivision, the committee shall have the power to issue subpoenas and administer oaths.

VII. Any member of the committee who is directly or indirectly involved in any complaint before the committee or who otherwise has personal knowledge of facts material to the determination of the complaint shall not participate in any proceedings regarding the complaint. In the event that recusals under this paragraph reduce the number of participating members to fewer than 4, the remaining participating members shall designate an alternate or alternates sufficient to increase the committee to 4 members, to serve on the committee for that case only.

21-G:32 Rules; Procedures and Standards. The committee shall adopt, publish, and make available to the public rules governing its procedures, including provisions for disqualification of members for conflict of interest and provisions for the committee to discipline its members for breach of committee procedures, as well as guidelines referred to in RSA 21-G:30, I, consistent with the procedures set forth in RSA 541-A.

21-G:33 Committee Administration and Staff. The committee shall be administratively attached to the department of justice, which shall provide appropriate administrative and investigative staff and legal counsel in support of the committee's activities, at the committee's request. Files and records of the committee shall be protected against access other than by members of the committee and other persons specifically authorized by the committee.

21-G:34 Penalty.

I. Any person who knowingly or willfully violates RSA 21-G:21-27 or makes unauthorized disclosure of confidential matters or materials contrary to RSA 21-G:31, or interferes with or obstructs lawful activities of the committee, shall be guilty of a misdemeanor and may be subject to disciplinary action as provided in RSA 21-G:31, III(d) and other applicable law.

II. In the case of any person convicted under this section, the court may order restitution.

21-G:35 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

4 Executive Order Superseded. The provisions of this act and RSA 21-G:21-27 supersede and replace the provisions of Executive Order Number 98-1, dated May 19, 1998.

5 Legislative Ethics Committee; Membership Criteria. Amend RSA 14-B:2, II and III to read as follows:

II. No person registered with the secretary of state as a lobbyist under RSA 15 shall serve as a member of the legislative ethics committee *or for 6 months following the expiration of such registration.*

III. Appointments to the committee shall be made by December 31 prior to the first legislative session of the biennium. A committee meeting shall be called no later than February 1 in the first legislative session of the biennium. The members shall elect a chairperson and vicechairperson *from among the legislative members of the committee* at this meeting. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. *The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.*

6 Legislative Ethics Committee; Complaint Procedure; Reference Changed. Amend the introductory paragraph of RSA 14-B:4, I to read as follows:

I. Each complaint shall be submitted in writing and signed under oath by the complainant. The sworn complaint shall be filed confidentially with the committee and shall contain the name and address of the complainant. The legislator, officer, or employee of the legislature complained against shall be furnished with a copy of the complaint and a copy shall be sent to each member of the committee for review. The committee shall initiate a complaint on its own motion against any individual the committee determines has not complied with the provisions of RSA ~~[14-B:7]~~ 15-A and RSA 15-B. The committee shall promptly examine each sworn complaint and:

7 Lobbyists. RSA 15 is repealed and reenacted to read as follows:

CHAPTER 15 LOBBYISTS

15:1 Registration.

I. Any person who is employed for a consideration by any other person, except the state of New Hampshire, in a representative capacity for the purposes specified in paragraph II of this section shall first register as a lobbyist with the secretary of state. Each registration shall report the existence of a relationship between a single client and either a single lobbyist or a partnership, firm, or corporation with one or more partners, members, or employees of a firm acting as lobbyist.

II. Registration is required where the person, partnership, firm, or corporation is employed:

(a) To promote or oppose, directly or indirectly, any legislation pending or proposed before the general court, or;

(b) To promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, as defined in RSA 15-A:2, subject to the exclusions in paragraph III.

III. Such registration is not required where the person is employed to represent another only in an adjudicative proceeding or nonadjudicative process as defined or described in RSA 541-A, other than a rulemaking proceeding or any process related to the purchasing of goods or services by the state, and who files an appearance with the authority conducting the matter.

IV. All registrations required under this section shall expire on December 1.

15:2 Name Tag.

I. Any person who is required to register as a lobbyist under RSA 15:1 shall wear on his or her outer garment a clearly visible name tag when lobbying in the state house or the legislative office building, or before the governor, governor and council, or a state agency. Such name tag shall have white lettering on a hunter orange background and shall be at least 1 ½ inches high and 2 ½ inches long. This name tag shall consist of lobbyist's first and last name and the word "lobbyist" or the name of the organization represented in letters at least ¼ inch high.

II. A person whose lobbying activity is appearing to testify before a legislative committee in an open hearing session is exempt from the requirements of paragraph I.

15:3 Registration Form.

I. The lobbyist registration shall be on a form prescribed by the secretary of state that shall at a minimum include:

(a) The full name of the person registering, if that person is affiliated with a partnership, firm, or corporation, the name of that partnership, firm, or corporation, the name of the client who has employed the person registering, his or her respective business addresses, or if none, his or her residence address.

(b) The usual occupation or primary field of business of each.

(c) The date and character of the employment or agreement therefore.

(d) The duration of the employment if it can be determined.

(e) The special subjects of legislation or executive branch action, if any, to which the employment relates.

(f) If the person registering is a member of or affiliated with a partnership, firm, or corporation that has other members or employees who are also registered as a lobbyist, a list of the full name of each such person. Being listed in this subparagraph does not relieve anyone who will be lobbying for this client from being listed individually under subparagraph (a)

(g) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15 and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. If the employment varies from time to time, a current registration shall be maintained for each employment.

15:4 Registration Fee. The fee for registration as a lobbyist under RSA 15:1 for any one year shall be \$50 for each person lobbying for each reported client or employer. A fee shall be paid for each individual who acts as a lobbyist for each client or employer regardless of his or her affiliation with any other registered lobbyist.

15:5 Prohibited Activities.

I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.

II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

15:6 Statements.

I. Each lobbyist shall file with the secretary of state itemized statements under oath of:

(a) All fees received from any lobbying client for all purposes.

(b) What portion of the total fees received are related, directly or indirectly, to lobbying services.

(c) All expenditures made from lobbying fees, including by whom paid or to whom charged.

(d) Each honorarium or expense reimbursement, as defined in RSA 15-B, or political contribution, as defined in RSA 664, made by the lobbyist in his or her professional or personal capacity, on behalf of the lobbyist, the partnership, firm, or corporation or by the lobbyist on behalf of the client or employer or by a family member of the lobbyist. The statements shall be open to public inspection. For the purposes of this chapter, "family member" shall mean any person related to and living in the same domicile as the lobbyist, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

II. Lobbyists shall file statements no later than the second Friday of each month covering all fees received and expenditures, contributions, honorariums, or expense reimbursements made during the previous month, from fees received at any time from a lobbying client or employer or from funds otherwise provided by the lobbyist, partnership, firm, or corporation, or from the client or employer.

III. In this chapter "value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

IV. A lobbyist, in his or her professional or personal capacity, or a family member of a lobbyist making a contribution, honorarium, or expense reimbursement, in a form other than cash, check or negotiable instrument, to a person with a duty to report that contribution, honorarium, or expense reimbursement pursuant to RSA 15-B or RSA 664 shall provide the recipient with a written statement of the value of the contribution, honorarium, or expense reimbursement if the value is different than any price or value printed on the contribution, honorarium, or expense reimbursement or if the contribution, honorarium, or expense reimbursement does not have a price affixed to it.

V. The lobbyist statement shall be in the form prescribed by the secretary of state, may be in paper or electronic form, and shall include at a minimum:

(a) The full name of each lobbyist covered by the report.

(b) The name of the lobbyist partnership, firm, or corporation, if any.

(c) The business address and telephone number for the lobbyist, partnership, firm, or corporation.

(d) For each client, the full name and business address of the client, the scope of the representation or lobbyist services being paid for, the gross amount of all fees received from that client, not reduced by any expenses, for all purposes, a statement of what portion of the gross fees received are related, directly or indirectly, to lobbying services, a statement of the aggregate total of fees received that are related, directly or indirectly, to lobbying services during the calendar year, and a statement of any fee payment due, but not yet paid.

(e) For each honorarium or expense reimbursement made, that is reportable pursuant to RSA 15-B:

(1) The name of the client on whose behalf the expense reimbursement or honorarium was made, if any.

(2) The name of the person receiving the honorarium or expense reimbursement.

(3) A brief description of the event to which the honorarium or expense reimbursement relates.

(4) The value of the honorarium or expense reimbursement.

(f) For each political contribution made that is reportable pursuant to RSA 664:

(1) The name of the candidate.

(2) The office the candidate is seeking.

(3) The value of the contribution.

(4) If the contribution is an in-kind contribution, a brief description of the contribution.

(g) For all expenditures for salaries, benefits, support staff, and office expenses, related directly or indirectly to lobbying, a statement of the total aggregate expenses for salaries, support staff, and office expenses related directly or indirectly to lobbying shall satisfy the requirement that an itemized statement of these expenses be filed.

(h) The following statement followed by a line for each person filing the form to sign and date the form: "I have read RSA 15, RSA 15-B, and RSA 664 and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief." This statement shall be made under oath before a notary public or justice of the peace.

IV. The secretary of state shall maintain the statements required by this section for 6 years from the date of filing, after which time the statements may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes lobbyist registration forms and fee and expense reports available to the public through the internet.

15:7 Blanks. The secretary of state shall provide suitable forms in paper or electronic form to carry out the requirements of this chapter.

15:8 Penalty. Whoever violates any provision of this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. Whoever shall make and file any statement under this chapter which is to his or her knowledge false shall be deemed guilty of perjury and punished accordingly.

15:9 Examination of Statements of Fees and Expenditures. It shall be the duty of the attorney general to examine the statements of fees and expenditures which are made under this chapter to the secretary of state and to compel such returns be made to comply with the law.

15:10 Testimonial Privilege. No person shall be excused from testifying in a proceeding instituted against another person under the foregoing sections for the reason that he might thereby incriminate himself; but no testimony so given by him shall be used directly or indirectly as evidence against him in any prosecution, nor shall he be prosecuted for any offenses so disclosed by him.

15:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

8 Financial Disclosure. RSA 15-A is repealed and reenacted to read as follows:

CHAPTER 15-A

FINANCIAL DISCLOSURE

15-A:1 Purpose. The purpose of this chapter is to ensure that the performance of official duties does not give rise to a conflict of interest, by requiring the following persons to file a statement of financial interests with the secretary of state. This chapter shall be liberally construed to effect this purpose.

15-A:2 Definitions. In this chapter:

I. "Agency" means the executive branch and any department, division, board, commission, or equivalent entity of the executive branch.

II. "Agency head" means the commissioner or equivalent leader of any department, and the highest ranking member of any commission, board, institution, bureau, or office, which is not a subordinate component of a department or equivalent agency, by whatever name called, other than the legislative and judicial branches of state government.

III. "Family member" shall mean any person related to and living in the same domicile as the elected official, public official, public employee, constitutional official, or legislative employee who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

IV. "Income" means any money or thing of value received.

V. "Primary occupation" means any business, business association, public sector employment, nonprofit employment, or self-employment which provides the largest source of income for the candidate.

15-A:3 Persons Required to File. The following persons shall file a statement of financial interests as required by this chapter:

I. All candidates who file for state or county office.

II. All persons filing an acceptance of nomination form for state or county office.

III. Every person appointed by the governor, governor and council, president of the senate, or the speaker of the house of representatives to any board, commission, committee, board of directors, authority, or equivalent state entity whether regulatory, advisory, or administrative in nature.

IV. All agency heads.

V. Any public official designated, due to the responsibilities of the position, by the agency head.

VI. The secretary of state and the treasurer, and any of their subordinates designated, due to the responsibilities of the position, by the secretary of state or treasurer.

VII. All persons elected to state or county office, and all persons appointed to such elective office to fill a vacancy; and

VIII. Any person, not employed by or working under contract for the state, who is acting on behalf of the governor or an agency while engaged in state business.

15-A:4 Designated Public Officials. The governor shall file with the secretary of state an organizational chart identifying the names and titles of all persons who are acting on behalf of the governor and who are required to file a statement of financial interests. Each agency head shall file with the secretary of state an organizational chart identifying the names, titles, and position numbers of persons in his or her department that are required to file a statement of financial interests. The secretary of state and the state treasurer shall file with the secretary of state an organizational chart identifying the names and titles of all persons in his or her department that are required to file a statement of financial interests.

15-A:5 Form of Disclosure. The secretary of state shall establish a uniform statement of financial interests, which may be in paper or electronic form.

I. The statement of financial interest shall include:

(a) The full text of RSA 15-A.

(b) The full name, work address, work phone number, primary occupation, and, if different, the office, appointment, or employment with government held by person filing the statement of financial interest.

(c) The name, address, and type of any profession, business, or other organization in which the reporting individual or family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. If the person filing the financial interest statement has no qualifying income he or she shall report this by writing his or her initials following the statement "My income does not qualify ____."

(d) A statement of whether the person reporting or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on the person reporting the financial interest or a family member than it would on the general public:

(1) Any profession, occupation, or business licensed or certified by the state of New Hampshire, listing each such profession, occupation, or category of business.

(2) Health care.

(3) Insurance.

(4) Real estate, including brokers, agents, developers, and landlords.

(5) Banking or financial services.

(6) State of New Hampshire, county, or municipal employment.

(7) The New Hampshire retirement system.

(8) The current use land assessment program.

- (9) Restaurants and lodging.
- (10) The sale and distribution of alcoholic beverages.
- (11) The practice of law.
- (12) Any business regulated by the public utilities commission.
- (13) Horse or dog racing, or other legal forms of gambling.
- (14) Education.
- (15) Water resources.
- (16) Agriculture.
- (17) New Hampshire taxes, specifying if business profits tax, business enterprise tax, or interest and dividends tax.

(18) The reporting official may, but is not required by this chapter to specify any other area for which he or she has a special interest.

(e) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information pertinent to the administration and enforcement of laws relating to financial disclosure. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

III. The statement of financial interests, if filed on paper, shall be completed by typewriting or legible hand printing, and shall be verified, dated, and signed by the reporting individual personally.

IV. The secretary of state shall maintain the statement of financial interests for 6 years, after which time the statement may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes the public information on statements of financial interest available to the public through the internet.

15-A:6 Deadlines for Filing. All persons subject to this chapter shall file a statement of financial interests annually no later than the third Friday in January. All persons subject to this chapter, except those who are elected, shall file a statement of financial interests within 14 days of assuming the office, position, or appointment that makes the person subject to this chapter, unless the person has previously filed a statement during the calendar year.

15-A:7 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

15-A:8 Examination of Disclosures. It shall be the duty of the attorney general to examine the statements of financial interests which are made under this chapter to the secretary of state and to compel such disclosures to be made to comply with the law.

15-A:9 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

9 Gifts, Honorariums, and Expense Reimbursements. RSA 15-B is repealed and reenacted to read as follows:

CHAPTER 15-B

GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS

15-B:1 Purpose. The purpose of this chapter is to ensure that the performance of official duties does not give rise to a conflict of interest, by prohibiting certain gifts and by requiring certain persons to file with the secretary of state a report of any honorariums or expense reimbursements received. This chapter shall be liberally construed to effect this purpose.

15-B:2 Definitions. For the purposes of this chapter:

I. "Agency" means the executive branch and any department, division, board, commission, or equivalent entity of the executive branch.

II. "Constitutional official" means the secretary of state, the state treasurer, their deputies, assistants, and all employees of their departments.

III. "Elected official" means the governor, members of the executive council, members of the general court, county commissioners, county sheriffs, county treasurers, county attorneys, registers of deeds, and registers of probate.

IV. "Expense reimbursement" shall mean payment in any form as prepayment, underwriting, or reimbursement of the reasonable expenses of attendance, registration, travel, meals, or lodging related to a bona fide informational or educational conference, seminar, or meeting, when the source of such reimbursement is other than the state, a county, or the United States of America.

V. "Gift" means:

(a) Money in any amount, whether in the form of cash, check or any other negotiable or non-negotiable instrumentality for the transfer of money.

(b) Any other tangible thing, intangible thing, service, or the use thereof having more than insignificant economic value. Any such item with a value of less than \$10 is presumed to be of insignificant economic value.

(c) Notwithstanding subparagraphs (a) and (b), "gift" shall not include:

(1) A political contribution as defined in RSA 664.

(2) A commercially reasonable loan, made in the ordinary course of business.

(3) Repayment to an elected official, public official, public employee, constitutional official, or legislative employee of a bona fide loan made by such a person.

(4) A ceremonial object or award, the value of which is primarily personal to the recipient and which has inconsequential economic value. A ceremonial object or award with a value of \$50 or less is presumed to be of inconsequential economic value.

(5) Objects which primarily serve an informational purpose provided in the ordinary course of business, such as reports, books, maps, or charts.

(6) Money in any form, an object, or an intangible thing of economic value, where the donor's act of giving is purely private and personal in nature and the money, object, or intangible thing of economic value would have been given and received even if the person were not an elected official, public official, public employee, constitutional official, or legislative employee.

(7) Wages, salary, benefits, mileage or payment for expenses received by the person in his or her regular course of employment or business which is unrelated to the government position held.

(8) Wages, salary, benefits, mileage, or payment for expenses paid to the person by the state, a county, or the United States of America related to performance of official duties.

(9) Tickets or free admission to a charitable, ceremonial, or political event provided that:

(A) The proceeds of the event are subject to the political contributions and expenditure reporting law, RSA 664; or

(B) The event is sponsored by a charitable organization that is registered with the division of charitable trusts, department of justice or which is a charitable organization pursuant to section 501(C)(3) of the federal tax code; or

(C) The event is published as an event open for attendance by any member of the general court in the calendar of the senate or the house.

(10) Meals, beverages, lodging, or transportation associated with attendance at:

(A) Any event for which the primary significance is ceremonial or celebratory, provided the event is public or, if by invitation only, is planned to have an attendance greater than 50 people; or

(B) Any event where the person is attending in an official capacity representing the state and/or the senate, house, or the agency of which the person is a member.

(11) Expense reimbursement or an honorarium.

(12) Meals and beverages consumed in the course of official business, with a value of not more than \$50 per person.

VI. "Honorarium" means a payment in any form to an elected official, public official, public employee, constitutional official, or legislative employee for services for which the person is not being compensated by the state, a county, the United States of America, or any other employer or client, where the service provided is related to or associated with office or employment held with government. Honorarium includes, but is not limited to, a payment as described above, for making a speech, preparing a written document, or serving as an advisor or consultant.

VII. "Family member" shall mean any person related to and living in the same domicile as the elected official, public official, public employee, constitutional official, or legislative employee, who shares a common economic interest in the expenses of daily living, including, but not limited to, a spouse, child, or parents.

VIII. "Legislative employee" means any person employed by the legislative branch.

IX. "Public employee" means any person, including but not limited to a classified employee, who is acting on behalf of the governor or an agency while engaged in state business.

X. "Public official" means a commissioned, unclassified, or nonclassified executive branch employee, but shall not include any commissioned, unclassified, or nonclassified employee elected by the legislature.

XI. "Value" means the amount at which property or services would change hands between a willing buyer and a willing seller when neither is under any compulsion to buy or sell and both have reasonable knowledge of the relevant facts.

15-B:3 Prohibition on Gifts.

I. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any elected official, public official, public employee, constitutional official, or legislative employee.

II. It shall be unlawful to knowingly give any gift as defined in this chapter, directly or indirectly, to any family member, as defined in this chapter, of any elected official, public official, public employee, constitutional official, or legislative employee, with a purpose of influencing or affecting the official conduct of such official or employee.

III. No elected official, public official, public employee, constitutional official, or legislative employee shall knowingly accept, directly or indirectly, any gift, as defined in this chapter.

15-B:4 Limitation on Receipt of an Honorarium. No public official or public employee shall accept an honorarium from a person who is subject to or likely to become subject to or interested in any matter or action pending before, or contemplated by, the public official, public employee, or the governmental body with which that person is affiliated.

15-B:5 Expense Reimbursement. An elected official, public official, public employee, constitutional official, or legislative employee may accept expense reimbursement for the reasonable expenses for food, travel, and lodging for a conference, meeting, seminar, or educational program which the person attends and that is related to the office, position, or employment held with the state or county, provided that the person attaches to the disclosure report a copy of the agenda or an equivalent document which discloses the subjects addressed and the time schedule of all activities at the event. This provision shall not be construed to require reporting of a prepayment, underwriting, or reimbursement made by an organization to which the state or county pays dues, when the prepayment, underwriting or reimbursement is provided because of the dues paid.

15-B:6 Duty to Report. An elected official, public official, public employee, or legislative employee who receives an honorarium or expense reimbursement shall file a report with the secretary of state no later than the last day of the month following the month during which the gift, honorarium, or expense reimbursement was received.

15-B:7 Honorarium, or Expense Reimbursement Report. The secretary of state shall establish a uniform report of receipt of an honorarium or expense reimbursement, which may be in paper or electronic form.

I. The report shall include at a minimum the following information, which shall be public:

(a) The full name, work address, work phone number, the office, appointment, or employment held by person subject to the reporting requirement.

(b) The full name, post office address, occupation, and principal place of business, if any, of the source of any reportable honorarium or expense reimbursement. When the source is a corporation or other entity, the name and work address of the person representing the corporation or entity in making the honorarium or expense reimbursement must be provided in addition to the name of the corporation or entity.

(c) The value of the honorarium or expense reimbursement. When the exact value is unknown, the person filing the report shall provide an estimate of the value of the gift or honorarium and identify the value as an estimate.

(d) A brief description of the service or event that gave rise to the honorarium or expense reimbursement. Reports of expense reimbursement must include a copy of the agenda or an equivalent document.

(e) The date on which the honorarium or expense reimbursement was received.

(f) The following statement followed by a line for the person filing the form to sign and date the form: "I have read RSA 15-B and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief."

II. The secretary of state may also require information such as home phone numbers, home addresses, and other information helpful to the administration and enforcement of laws relating to honorariums or expense reimbursements. This information shall be non-public and shall not be subject to the provisions of RSA 91-A.

15-B:8 Forms; Place of Filing. The secretary of state shall furnish all forms required under this chapter. All persons filing a report under this chapter shall file with the secretary of state. The reports shall be held in the original form for 6 years from the date of filing, after which time they may be destroyed. The public information on the forms shall be available to the public in the form of a photocopy or an electronic record. The secretary of state shall, as soon as is practical, implement an electronic record keeping system that makes the public information in the reports required by this chapter available to the public through the internet.

15-B:9 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false report shall be guilty of a misdemeanor.

15-B:10 Examination of Reports. It shall be the duty of the attorney general to examine the reports which are made under this chapter to the secretary of state and to compel such returns be made to comply with the law.

15-B:11 Limitations. This chapter shall not be construed to:

I. Prevent receptions, breakfasts, luncheons, dinners, dances, or picnics or like events from being held for the sole purpose of raising political contributions, provided such contributions comply with and are reported as required by RSA 664.

II. Prohibit gifts or expense reimbursements made to the state of New Hampshire and accepted in accordance with the law.

15-B:12 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

10 Repeal. The following are repealed:

I. RSA 14-B:7, relative to the financial disclosure form for legislators.

II. RSA 21-G:5-a, relative to the financial disclosure form for board and commission members.

III. RSA 21-G:21, III, relative to the definition of gift.

IV. RSA 21-G:21, IV, relative to the definition of public employee.

V. RSA 21-G:21, V, relative to the definition of public official.

VI. RSA 21-G:28, relative to the financial disclosure form for public officials.

11 Applicability. Notwithstanding the change in reporting requirements otherwise established by this act, the statement of financial interests for testimonials, gifts, and honorariums received between June 2, 2005 and June 1, 2006 shall, as required by RSA 15-B prior to its repeal and reenactment, be filed with the secretary of state no later than June 15, 2006.

12 Effective Date. This act shall take effect June 2, 2006.

AMENDED ANALYSIS

This bill establishes an executive branch ethics committee and recodifies RSA 15, relative to lobbyists; RSA 15-A, relative to financial disclosure statements for public officials; and RSA 15-B, relative to reporting requirements for gifts, honorariums, and expense reimbursements.

Rep. Weed spoke in favor.

(Speaker Scamman in the Chair)

Reps. Whalley and O'Brien spoke against.

Rep. Pratt spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Clemons requested a roll call; sufficiently seconded.

YEAS 142 NAYS 211

YEAS 142

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Egbers, Fran	Essex, David
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie	Jasper, Shawn
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen
Movesian, Lori	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Velez, Hector			

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Cali-Pitts, Jacqueline	Casey, Kimberley
Flockhart, Eileen	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Serlin, Christopher	Spaine, James	Wells, Roger

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

NAYS 211**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Russell, David	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Dorsett, Andrew
Ingbretson, Paul
Sorg, Gregory

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Graham, John
Hebert, Raymond
Holden, Randolph
L'Heureux, Robert
McRae, Karen
Moran, Edward
Pepino, Leo
Ross, Lawrence
Slocum, Lee
Villeneuve, Maurice

Allan, Nelson
Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Hagan, Barbara
Hellwig, Steve
Hunter, Bruce
Lawrence, James
Mead, Robert
O'Brien, William
Price, Pamela
Rowe, Robert
Souza, Kathleen
Wheeler, James

Balboni, Michael
Bergin, Peter
Calawa, Leon Jr
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hansen, Ryan
Hinkle, Peyton
Infantine, William
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Stepanek, Stephen
Wheeler, Robert

Barry, J Gail
Boehm, Ralph
Carew, James
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Tahir, Saghir

MERRIMACK

Anderson, Eric
Kennedy, Richard
Lockwood, Priscilla
Oliver, James

Danforth, James
Kidder, David
MacKay, James
Reed, Dennis

Field, William
Klose, John
Marple, Richard
Whiting, Herbert

Hess, David
Langlais, Thomas
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Dalrymple, Janeen
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Welch, David
Winchell, George

Asselin, Michael
Bishop, Franklin
Charron, Gene
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
Manning, John
Morris, Richard
Palazzo, Frank
Robertson, Carl
Stiles, Nancy
Weldy, Norman
Zolla, William

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Johnson, Rogers
Langley, Jane
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Katsakiores, George
Lund, Howie
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford

Berube, Roger
Chaplin, Duncan
Twombly, James

Bickford, David
Dunlap, Patricia

Brown, Julie
Easson, Timothy

SULLIVAN

Gale, Harry
and floor amendment (0296h) failed.

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

Rep. Vaillancourt offered floor amendment (0278h).

Floor Amendment (0278h)

Amend RSA 21-G:29 as inserted by section 3 of the bill by inserting after paragraph III the following new paragraph:

III-a. Each political party, as defined in RSA 652:11, shall be equally represented on the executive branch ethics committee. Equal representation on the committee means that for each member who is a registered voter of one party, there shall be a member who is a registered voter of the other party. Any undeclared voter appointed to the committee shall have maintained his or her undeclared status for at least 6 months prior to the time of appointment. For purposes of this paragraph, a registered voter of a party means a person who has had a registered party affiliation for at least 6 months prior to the time of appointment.

Rep. Vaillancourt spoke in favor.

Rep. Whalley spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Lasky requested a roll call; sufficiently seconded.

YEAS 152 NAYS 199**YEAS 152****BELKNAP**

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

Dickinson, Howard

CHESHIRE

Allen, Peter
Coates, Christopher
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

Chase, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

Almy, Susan
Cooney, Mary
McLeod, Martha
Sorg, Gregory

Andersen, Gene
Dorsett, Andrew
Mulholland, Catherine

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Crane, Elenore Casey
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Kopka, Angeline

Barry, J Gail
Clemons, Jane
Daniuk, Caitlin
Foster, Linda
Gorman, Mary
Infantine, William
Lasky, Bette

Beaulieu, Jane
Cote, David
DeVries, Betsi
Ginsburg, Ruth
Hagan, Barbara
Irwin, Anne-Marie
Lefebvre, Roland

Campbell, David
Craig, James
Egbers, Fran
Golding, William
Hall, Betty
Johnson, Paula
Martin, Mary Ellen

Matarazzo, Anthony Sr
Moran, Edward
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

McRae, Karen
Movsesian, Lori
Scanlon, Michael
Smith, David
Vaillancourt, Steve

Messier, Irene
Pilotte, Maurice
Schulze, Joan
Souza, Kathleen
Velez, Hector

Michon, Stephen
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
French, Barbara
Hamm, Christine
Reardon, Tara
Tilton, Joy
Williams, Robert

DeJoie, John
Gile, Mary
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Norelli, Terie
Splaine, James

Cali-Pitts, Jacqueline
Hughes, Daniel
Pantelakos, Laura

Casey, Kimberley
Hutchinson, Karen
Powers, James

DiFruscia, Anthony
Moody, Marcia
Serlin, Christopher

STRAFFORD

Bickford, David
Cilley, Jacalyn
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Creteau, Irene
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Julie
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Hilliard, Dana
Keans, Sandra
Schmidt, Peter

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

NAYS 199

BELKNAP

Allen, Janet
Flanders, Donald
Russell, David
Wendelboe, Fran

Boyce, Laurie
Heald, Bruce
Tilton, Franklin
Whalley, Michael

Clark, Charles
Millham, Alida
Tobin, William

Fitzgerald, James
Nedeau, Stephen
Veazey, John

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Merrrow, Harry

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hunt, John

COOS

King, Frederick
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

Ingbretson, Paul
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy

Allan, Nelson
Bergin, Peter

Balboni, Michael
Boehm, Ralph

Batula, Peter
Brassard, Paul

Brundige, Robert
Christensen, D L Chris
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Hawkins, Ken
Hirschmann, Keith
Jeudy, Jean
Lessard, Rudy
O'Brien, William
Price, Pamela
Rowe, Robert
Tahir, Saghir

Buhlman, David
Christiansen, Lars
Dokmo, Cynthia
Emerton, Larry
Goyette, Peter Jr
Hebert, Raymond
Holden, Randolph
Kurk, Neal
Manney, Pamela
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Villeneuve, Maurice

Calawa, Leon Jr
Clark, Mark
Drisko, Richard
Francoeur, Bea
Graham, John
Hellwig, Steve
Hunter, Bruce
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Wheeler, James

Carew, James
Coughlin, Pamela
Dyer, Donald
Gargas, Carolyn
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
Lawrence, James
Mooney, Maureen
Pepino, Leo
Ross, Lawrence
Stepanek, Stephen
Wheeler, Robert

MERRIMACK

Anderson, Eric
Kennedy, Richard
Lockwood, Priscilla
Oliver, James

Danforth, James
Kidder, David
MacKay, James
Reed, Dennis

Field, William
Klose, John
Marple, Richard
Whiting, Herbert

Hess, David
Langlais, Thomas
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Introne, Robert
Katsakiores, George
Lund, Howie
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Weare, E Albert
Weyler, Kenneth

Asselin, Michael
Bishop, Franklin
Charron, Gene
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Welch, David
Wiley, Robert

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Kobel, Rudolph
Manning, John
Morris, Richard
Palazzo, Frank
Robertson, Carl
Stiles, Nancy
Weldy, Norman
Winchell, George

Bettencourt, David
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Ingram, Russell
Johnson, Rogers
Langley, Jane
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Waterhouse, Kevin
Wells, Roger
Zolla, William

STRAFFORD

Albert, Russell
Chaplin, Duncan
Twombly, James

Berube, Roger
Dunlap, Patricia
Wall, Janet

Callaghan, Frank
Easson, Timothy

Cataldo, Sam
Newton, Clifford

SULLIVAN

Gale, Harry
and floor amendment (0278h) failed.

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

MOTION TO LAY ON THE TABLE

Rep. Daniel Eaton moved that **SB 206-FN**, relative to the state code of ethics and establishing an executive ethics commission, be laid on the table.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 136 NAYS 215

YEAS 136

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Eaton, Daniel
Pliika, Stanley Jr
Robertson, Timothy

Butynski, William
Espieffs, Peter
Pratt, John
Tilton, Anna

Chase, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
McLeod, Martha

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Daniuk, Caitlin
Foster, Linda
Hall, Betty
Johnson, Paula
Martin, Mary Ellen
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Peter

Beaulieu, Jane
Clemons, Jane
DeVries, Betsi
Ginsburg, Ruth
Harvey, Suzanne
Kopka, Angelina
Matarazzo, Anthony Sr
Rochette, Eric
Shaw, Barbara
Vaillancourt, Steve

Brassard, Paul
Cote, David
Egbers, Fran
Goley, Jeffrey
Irwin, Anne-Marie
Lasky, Bette
Michon, Stephen
Rosenwald, Cindy
Smith, David
Velez, Hector

Campbell, David
Craig, James
Essex, David
Gorman, Mary
Judy, Jean
Lefebvre, Roland
Movsesian, Lori
Schulze, Joan
Sullivan, Francis

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
Foosse, Robert
Hamm, Christine
Reardon, Tara
Tilton, Joy
Williams, Robert

Clarke, Claire
French, Barbara
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

DeJoie, John
Gile, Mary
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Johnson, Robert
Powers, James

Cali-Pitts, Jacqueline
Moody, Marcia
Serlin, Christopher

Casey, Kimberley
Norelli, Terie
Splaine, James

Flockhart, Eileen
Pantelakos, Laura

STRAFFORD

Berube, Roger
Callaghan, Frank
Hilliard, Dana
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Cilley, Jacalyn
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Julie
Creteau, Irene
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Domingo, Baldwin
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Pritchard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

NAYS 215**BELKNAP**

Allen, Janet
Flanders, Donald
Pilliod, James
Veazey, John

Boyce, Laurie
Heald, Bruce
Russell, David
Wendelboe, Fran

Clark, Charles
Millham, Alida
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Nedeau, Stephen
Tobin, William

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Coates, Christopher	Dexter, Judson	Emerson, Susan	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon

COOS

King, Frederick	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingretson, Paul	Maybeck, Margie	Mirski, Paul	Naro, Debra
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Hunter, Bruce	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	Moran, Edward	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Scum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Hager, Elizabeth
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Reed, Dennis	Whiting, Herbert

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Buxton, Donald	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Rogers	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Lund, Howie	Major, Norman
Manning, John	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James

Robertson, Carl
Stiles, Nancy
Weldy, Norman
Winchell, George

Rolston, James
Waterhouse, Kevin
Wells, Roger
Zolla, William

Sanders, Elisabeth
Weare, E Albert
Weyler, Kenneth

Scamman, Stella
Welch, David
Wiley, Robert

STRAFFORD

Albert, Russell
Dunlap, Patricia
Twombly, James

Bickford, David
Easson, Timothy

Cataldo, Sam
Hofemann, Roland

Chaplin, Duncan
Newton, Clifford

SULLIVAN

Gale, Harry
and the motion failed.

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

The question now being adoption of the majority committee report as amended.

Rep. DeJoie spoke against.

Rep. Whalley spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 229 NAYS 119

YEAS 229

BELKNAP

Allen, Janet
Flanders, Donald
Pilliod, James
Veazey, John

Boyce, Laurie
Heald, Bruce
Russell, David
Wendelboe, Fran

Clark, Charles
Millham, Alida
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Nedeau, Stephen
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Stevens, Stanley

CHESHIRE

Butynski, William
Hogancamp, Deborah
Sawyer, Sheldon

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Roberts, Kris

COOS

Buzzell, Bernard
Stohl, Eric

King, Frederick
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Dorsett, Andrew
Ingbreton, Paul
Sorg, Gregory

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Buhlman, David
Christiansen, Lars
Daniuk, Caitlin
Drisko, Richard
Francœur, Bea
Goyette, Peter Jr

Allan, Nelson
Bergeron, Jean-Guy
Calawa, Leon Jr
Clark, Mark
Desmarais, Vivian
Dyer, Donald
Gargaszy, Carolyn
Graham, John

Balboni, Michael
Boehm, Ralph
Carew, James
Coughlin, Pamela
DeVries, Betsi
Elliott, Nancy
Gibson, John
Hagan, Barbara

Barry, J Gail
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hansen, Ryan

Hawkins, Ken
Hirschmann, Keith
Irwin, Anne-Marie
L'Heureux, Robert
McRae, Karen
Moran, Edward
Pepino, Leo
Rosenwald, Cindy
Scanlon, Michael
Sullivan, Peter
Wheeler, Robert

Hebert, Raymond
Holden, Randolph
Jasper, Shawn
Lawrence, James
Mead, Robert
O'Brien, William
Price, Pamela
Ross, Lawrence
Slocum, Lee
Tahir, Saghir

Hellwig, Steve
Hunter, Bruce
Kopka, Angeline
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

Hinkle, Peyton
Infantine, William
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Ryder, Donald
Stepanek, Stephen
Wheeler, James

MERRIMACK

Anderson, Eric
Hamm, Christine
Klose, John
Maxfield, Roy

Danforth, James
Hess, David
Langlais, Thomas
Oliver, James

Field, William
Kennedy, Richard
MacKay, James
Reed, Dennis

Hager, Elizabeth
Kidder, David
Marple, Richard
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Camm, Kevin
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Johnson, Rogers
Langley, Jane
Mason, April
Nowe, Ronald
Pantelakos, Laura
Robertson, Carl
Splaine, James
Welch, David
Wiley, Robert

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Katsakiores, George
Lund, Howie
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Weldy, Norman
Winchell, George

Asselin, Michael
Bishop, Franklin
Casey, Kimberley
Dalrymple, Janeen
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Itse, Daniel
Katsakiores, Phyllis
Major, Norman
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger
Zolla, William

Belanger, Ronald
Buxton, Donald
Charron, Gene
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Kobel, Rudolph
Manning, John
Morris, Richard
Palazzo, Frank
Rausch, James
Scamman, Stella
Weare, E Albert
Weyler, Kenneth

STRAFFORD

Albert, Russell
Chaplin, Duncan
Kaen, Naida

Berube, Roger
Dunlap, Patricia
Newton, Clifford

Bickford, David
Easson, Timothy
Rollo, Michael

Cataldo, Sam
Hofemann, Roland
Twombly, James

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 119

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Plifka, Stanley Jr
Tilton, Anna

Chase, William
Espieffs, Peter
Pratt, John
Weed, Charles

Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Hammond, Lee

Harding, A Laurie

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin

Beaulieu, Jane

Brassard, Paul

Campbell, David

Chase, Claudia

Clemons, Jane

Cote, David

Craig, James

Egbers, Fran

Essex, David

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Hall, Betty

Harvey, Suzanne

Judy, Jean

Johnson, Paula

Lasky, Bette

Lefebvre, Roland

Martin, Mary Ellen

Matarazzo, Anthony Sr

Michon, Stephen

Movsesian, Lori

Pilotte, Maurice

Schulze, Joan

Shattuck, Gilman

Shaw, Barbara

Smith, David

Sullivan, Francis

Vaillancourt, Steve

Velez, Hector

MERRIMACK

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

DeJoie, John

DeStefano, Stephen

Foose, Robert

French, Barbara

Gile, Mary

Greco, Vincent

Lockwood, Priscilla

McMahon, Patricia

Osborne, Jessie

Potter, Frances

Reardon, Tara

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Cali-Pitts, Jacqueline

Flockhart, Eileen

Moody, Marcia

Norelli, Terie

Powers, James

Serlin, Christopher

STRAFFORD

Brown, Jennifer

Brown, Julie

Brown, Lawrence

Callaghan, Frank

Cilley, Jacalyn

Creteau, Irene

Domingo, Baldwin

Hilliard, Dana

Johnson, Nancy

Keans, Sandra

Miller, Joseph

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Spang, Judith

Taylor, Kathleen

Wall, Janet

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Houde-Quimby, Charlotte

Jillette, Arthur Jr

Phinizedy, James

Prichard, Stephen

and the majority committee report as amended was adopted.

Ordered to third reading.

SPECIAL ORDER

Without objection, the Speaker ordered that the remaining bills on today's calendar be made Special Orders and taken up first on January 18, 2006. The bills removed from the Consent Calendar will be placed in their Regular Calendar order for the same date.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, January 18, 2006 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 312, relative to the appointment of parenting coordinators.

HB 325, relative to proceedings under the Child Protection Act.

HB 529, relative to the determination of parental rights and responsibilities.

HB 587, relative to child abuse and neglect investigations by the department of health and human services.

HB 591, relative to the inclusion of health insurance in the calculation of child support.

HB 592, relative to the child support guidelines.

HB 689-FN, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases.

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code.

SB 175, requiring insurance coverage for certified midwives.

HB 385, establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system.

HB 489-FN, relative to disclosing an ownership interest in certain health care facilities and businesses.

HB 221, relative to eligibility for absentee ballots.

HB 349, relative to placement and removal of political advertising.

HB 331, relative to restraining dogs and relative to livestock working dogs.

HB 538, relative to deconstruction of structures.

HB 544, relative to the land and community heritage program.

HB 578, relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners.

SB 72, relative to the licensing of public adjusters.

HB 234-FN, relative to the development of a state and political subdivision information network.

HB 649-FN-A, establishing a commission to study the costs and funding of medicolegal investigations and autopsies.

HB 718-FN-A, relative to a state active duty death benefit for activated members of the New Hampshire National Guard and making an appropriation therefor.

HB 334, relative to the type of notice provided in court proceedings.

HB 413, relative to the appointment of the chief justice of the superior court and the number of superior court associate justices.

HB 713-FN, relative to a process for the request and disclosure of social security numbers.

SCR 3, relative to the Boy Scouts of America.

HB 121, relative to local land use approval for facilities requiring certain pollution control permits.

HB 410, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.

HB 581, relative to approval and review of municipal charters.

HB 175, relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force.

HJR 1, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

HR 14, supporting Taiwan's participation in the World Health Organization.

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence.

HB 515, relative to purchasing alliances.

HB 100-FN-A-L, amending the formula for funding public education.

HB 380, relative to absentee voting.

HB 501, relative to citizenship and domicile affidavits.

SB 206, relative to the state code of ethics and establishing an executive ethics commission.

UNANIMOUS CONSENT

Rep. Rowe addressed the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
Adopted.

The House recessed at 5:30 p.m.

RECESS

(Rep. Wendelboe in the Chair)

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, in accordance with the list in the possession of the Clerk, House Bills numbered 1749, 1751 and 1752, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 1749-FN, relative to access to motor vehicle records by certain defense contractors. (Price, Hills 26; Batula, Hills 19; D. Eaton, Ches 2; Movsesian, Hills 22; Welch, Rock 8; Roberge, Dist 9; Foster, Dist 13; Gottesman, Dist 12; Letourneau, Dist 19: Criminal Justice and Public Safety)

HB 1751, relative to penalties for failure to have workers' compensation coverage. (Infantine, Hills 13; Mooney, Hills 19; Holden, Hills 7; Hassan, Dist 23; Bragdon, Dist 11: Labor, Industrial and Rehabilitative Services)

HB 1752, requiring notice regarding the classifications of employee and independent contractor. (Infantine, Hills 13; Mooney, Hills 19; Reardon, Merr 11; Hassan, Dist 23; Bragdon, Dist 11: Labor, Industrial and Rehabilitative Services)

RECESS

(Speaker Scamman in the Chair)

COMMITTEE ASSIGNMENTS

Rep. Duncan D. Chaplin, on Health, Human Services and Elderly Affairs.

Rep. Robert J. Haley, off Transportation.

Rep. Paul Mirski, on Labor, Industrial and Rehabilitative Services.

Rep. Joy K. Tilton, off Election Law; on Health, Human Services and Elderly Affairs.

Rep. Robert L. Theberge, off Municipal and County Government; on Science, Technology and Energy.

Rep. Christopher C. Coates, on Election Law.

Rep. Jean L. Jeudy, on Executive Departments and Administration.

Rep. James D. Aguiar, on Municipal and County Government.

Rep. Bonnie D. Ham, off Children and Family Law.

RECESS

(Rep. Whalley in the Chair)

RESOLUTION

Rep. O'Brien offered the following: **RESOLVED**, in accordance with the list in the possession of the Clerk, House Bills numbered 1753 and 1754, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 1753, allowing municipalities to adopt a property tax exemption for geoexchange energy systems. (Cataldo, Straf 3; Slocum, Hills 6; Harvey, Hills 21; Green, Dist 6: Municipal and County Government)

HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission. (Bishop, Rock 2; Welch, Rock 8; Nowe, Rock 9; Weldy, Rock 2; Weyler, Rock 8; Barnes, Dist 17: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. John Flanders in the Chair)

RESOLUTION

Rep. Villeneuve offered the following: **RESOLVED**, in accordance with the list in the possession of the Clerk, House Bills numbered 1755 through 1759, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1755, establishing a statutory property tax relief commission, and relative to information on property tax bills. (Jasper, Hills 27; Almy, Graf 11; Gillick, Rock 15; Mirski, Graf 10; Estabrook, Dist 21; Morse, Dist 22: Municipal and County Government)

HB 1756, relative to alternative regulation of small incumbent local exchange carriers. (J. Garrity, Rock 6; Thomas, Belk 5; Ryan, Merr 2; Odell, Dist 8; Letourneau, Dist 19; Burling, Dist 5: Science, Technology and Energy)

HB 1757, relative to taxation of renewable generation facilities. (Slocum, Hills 6; Cataldo, Straf 3: Municipal and County Government)

HB 1758, classifying biodiesel as a renewable energy source. (Cataldo, Straf 3; Essex, Hills 1; Ober, Hills 27; Flanders, Dist 7; Estabrook, Dist 21; Letourneau, Dist 19: Science, Technology and Energy)

HB 1759, relative to liens for labor and materials. (Infantine, Hills 13: Judiciary)

RECESS

(Rep. Winchell in the Chair)

RESOLUTION

Rep. Welch offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Address numbered 1 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE ADDRESS

First, second reading and referral

HA 1, for the removal of Kenneth R. McHugh, superior court justice, from office. (Marple, Merr; L. Christiansen, Hills 27; Bettencourt, Rock 4; Cataldo, Straf 3: Joint Committee on Address)

RECESS

(Rep. Daniel Eaton in the Chair)

RESOLUTION

Rep. Bruggemann offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Bills numbered 1760 through 1764, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1760, allowing municipalities to adopt a property tax exemption for property using, manufacturing, or supplying bio-heat systems. (Essex, Hills 1; Cataldo, Straf 3; Ober, Hills 27; Estabrook, Dist 21; Flanders, Dist 7: Municipal and County Government)

HB 1761, exempting vacation rentals from regulation as a tenancy and extending the committee to study the appeals process in cases between landlords and tenants, established in 2005, 45. (Wendelboe, Belk 1: Judiciary)

HB 1762, extending a committee and adding a certain duty relative to pharmacy reimbursement. (Wendelboe, Belk 1; Kurk, Hills 7; Martel, Dist 18; Clegg, Dist 14: Legislative Administration)

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement. (Wendelboe, Belk 1; Kurk, Hills 7; Martel, Dist 18; Clegg, Dist 14: Health, Human Services and Elderly Affairs)

HB 1764, relative to the committee to study Medicaid reimbursement rates for pharmacy providers. (Wendelboe, Belk 1; Kurk, Hills 7; Martel, Dist 18: Health, Human Services and Elderly Affairs)

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.

Adopted.

EMERGENCY SESSION

Tuesday, January 10, 2006

The House assembled at 12:15 p.m., the hour set in the Call for an Emergency Session of the House, and was called to order by the Speaker.

Rep. David A. Welch, member from Kingston, led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Chabot, Gillick, James Martin, Palangas, Palazzo and Putnam, the day, illness.

Reps. Adams, Gene Andersen, Richard Cooney, Currier, Hilliard, Hollinger, Kelly, Lessard, Mary Ellen Martin, Michon, Morrison, Parker, Plifka, Marshall Quandt, Serlin, Anna Tilton and Wiley, the day, important business.

Reps. Casey and Coughlin, the day, illness in the family.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit introduction and consideration at the present time and, if passed, to permit immediate third reading and final passage of *SB 393-FN-A*, relative to the temporary provision of assistance to persons eligible for both Medicaid and Medicare services and making an appropriation therefor.

Adopted by the necessary two-thirds.

RESOLUTION

Reps. O'Neil and Craig offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 393 shall be by this resolution read a first and second time by the therein listed title.

Adopted.

INTRODUCTION OF SENATE BILL

First and second reading

SB 393-FN-A, relative to the temporary provision of assistance to persons eligible for both Medicaid and Medicare services and making an appropriation therefor.

CONSIDERATION OF SENATE BILL

SB 393-FN-A, relative to the temporary provision of assistance to persons eligible for both Medicaid and Medicare services and making an appropriation therefor.

Rep. O'Neil moved Ought to Pass.

Rep. O'Neil spoke in favor and yielded to questions.

Rep. Wendelboe yielded to questions.

Adopted.

MOTION ON SENATE BILL

Rep. O'Neil moved that *SB 393-FN-A*, relative to the temporary provision of assistance to persons eligible for both Medicaid and Medicare services and making an appropriation therefore, be read a third time by this resolution, and that its title be the same as adopted, and that it be passed at the present time.

On a division vote, 332 members having voted in the affirmative and 20 in the negative, the motion was adopted.

Third reading and final passage

SB 393-FN-A, relative to the temporary provision of assistance to persons eligible for both Medicaid and Medicare services and making an appropriation therefor.

ADJOURNMENT FROM THE EARLY SESSION

Rep. O'Neil moved that the House adjourn from the early session, and that the business of the late session be in order.

Adopted.

UNANIMOUS CONSENT

Rep. DeJoie addressed the House.

ADJOURNMENT OF EMERGENCY SESSION

Rep. O'Neil moved that the House stand in recess for the purpose of enrolling SB 393, at the completion of which the Emergency Session of the House would stand adjourned.

RECESS

The House recessed at 12:40 p.m.

(Speaker Scamman in the Chair)**ENROLLED BILL REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 393.
Rep. Currier, Sen. Clegg for the Committee

The House adjourned 2:15 p.m.

HOUSE JOURNAL No. 2

Wednesday, January 18, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God of Tina, Guy, Leo, Terrence, Tony, Phillip, Charles and Keith, O God of homeless persons, God of Governors, God of Representatives, God whose compassion stirs us and whose righteousness sometimes shames us, we gather today again to do not only the work of this state, but to do Your work. Help us to receive our Governor's State of the State Address with open minds, and to respond in constructive ways. Bless our debates concerning recreational space, prescription drug programs and end-of-life orders with our very best awareness and commentary, and in the waning hours of today's debates, O God, we pray simply for the energy to plow through. Let us in our work today remember the needs of those who find themselves at the bottom of the social and economic heap, smothered by a surfeit of good intentions and a lack of adequate response from the systems which tend to benefit us. Bless all who care, support, guide and challenge them. And finally, O God, bless any of us gathered here today who may be suffering in mind, in body, in spirit or in relationship. Grant them a large measure of peace and healing. All this we pray in Your Holy name. Amen.

Rep. Charles B. Yeaton, member from Epsom, led the Pledge of Allegiance.

The National Anthem was sung by Ashley Campbell, Abigail Dean, Cassidy McKinnon, Lindsey Willett and Sarah Therrien, 4th grade students from Trinity Christian School in Concord.

LEAVES OF ABSENCE

Reps. Mary Allen, Barker, Chabot, Dalrymple, Desmarais, Donahue, Patrick Garrity, Gillick, Goodwin, Heon, Lefebvre, Palangas, Palazzo, Pantelakos, Putnam, Carl Robertson and Weldy, the day, illness.

Reps. Janet Allen, Gene Andersen, Berube, Stephanie Eaton, Hilliard, Hollinger, Klose, Manning, Mears, Morris, Packard, Parker, Priestly, Reed, and Whiting, the day, important business.

Rep. Hagan, the day, death in the family.

INTRODUCTION OF GUESTS

Tomi Salzmann, coach of today's singers, guest of the House. Martin Bradie, guest of Rep. Gale. Manchester Mayor Frank Giunta, guest of the Manchester delegation. Ruth Ann Williams, wife of Rep. Burton Williams. Former Governor Walter Peterson and Mrs. Peterson, and Bill Shaheen, guests of the House.

COMMUNICATION

January 12, 2006

W. Douglas Scamman, Speaker

New Hampshire General Court

Concord, New Hampshire

Dear Mr. Speaker:

I regret to inform you that I will resign my position as a member of the New Hampshire General Court from the 13th District, Rockingham County. This resignation will take effect at noon on Tuesday, January 17th, 2006.

Rep. Rogers J. Johnson

Rockingham County, District 13

The Speaker accepted the resignation, with regret.

RESOLUTION

Reps. Weyler and Craig offered the following: RESOLVED, that the House of Representatives, on this date, January 18, 2006, is ready to meet with the Honorable Senate in Joint Convention for the purpose of hearing the State of the State Address by his Excellency, Governor John H. Lynch. Adopted.

MOTION TO VACATE

Rep. King moved that the House vacate the reference of **HB 1349**, relative to costs of personnel and rates for equipment use in hazardous waste incidents, to the committee on Finance. Motion adopted.

The Speaker referred **HB 1349** to the committee on Criminal Justice and Public Safety.

SENATE MESSAGE

The Senate is ready to meet with the House of Representatives in Joint Convention for the purpose of hearing the State of the State Address by his Excellency, Governor John Lynch.

The Senate and Senate President Theodore L. Gatsas joined the House.

JOINT CONVENTION

(Speaker Scamman presiding)

The Speaker called the Joint Convention to order.

INTRODUCTION OF SPECIAL GUESTS

The 2005 University of New Hampshire Wildcats football team, winners of the I-AA Meadowlands Cup, named the ECAC Team of the Year; earned the number one ranking at the end of the season and a share of the Atlantic 10 Conference championship.

Represented by team members: David Ball, Brent Barbato, Aaron Brown, Tim Carignan, Corey Graham, Brandon Graham, Matt Henery, Evan Loring, Sean Lynch, Connor McCormick, Jeff Pammer, Tucker Peterson, Mark Rutberg, Ricky Santos, Derek Stank, David Sundberg, Alan Tallman, Adam Triscila, Dan Wagner, Chris Ward and Will Yarborough, accompanied by Coach Sean McDonnell.

Speaker Scamman and Senator D'Allesandro addressed the Joint Convention and presented Declarations to the team.

The Sergeant-at-Arms escorted the following to their seats:

Administrative Judge Edwin W. Kelly of the District Court and Family Division, Administrative Judge John R. Maher of the Probate Court, Superior Court Chief Justice Robert J. Lynn. The Associate Justices of the Supreme Court: Associate Justice Richard Galway, Associate Justice James E. Duggan, Senior Associate Justice Linda S. Dalianis. Supreme Court Chief Justice John T. Broderick, Jr. Executive Councilors Peter J. Spaulding and Raymond J. Wieczorek.

The Speaker introduced Governor John H. Lynch and Dr. Susan Lynch.

Governor Lynch presented his State of the State Address to the Joint Convention.

STATE OF THE STATE ADDRESS

Governor Lynch: Mr. Speaker, Mr. President, Mr. Chief Justice, honorable members of the Governor's Council, the Judiciary, the House and Senate, my fellow citizens of New Hampshire: Before I begin allow me to recognize my wife, Susan. Her love, support and patience, and that of our children, make it possible for me to do my job every day. Thank you for being a wonderful first lady.

It is an honor and privilege for me to come to this historic chamber to report to you that the state of our state is strong. Through our work together in the past year, we've put our state back on track and addressed together some of our most pressing challenges. Now we must continue to build the future we want for New Hampshire: A future where every child receives a high school diploma; our children grow up safe; our natural beauty is preserved for all to enjoy; more people have affordable, quality health care; and every citizen has the opportunity for a good job. We live in the greatest state in the greatest country in the world and I want to keep it that way.

A year ago I asked you to work with me by focusing on progress for the people of New Hampshire. Together, we put partisanship aside, and the people of New Hampshire are better off for it. I want to thank the leadership of both parties, Speaker Scamman, Representative Craig, Senate President Gatsas and Senator Larsen for committing wholeheartedly to this bipartisan approach. We have respected our differences and respected one another, and worked together, Democrats and Republicans, every day to get things done. Bipartisanship forces us to decide issues based on the merits, not on party lines; to care not who gets the credit, as long as the right thing gets done; and to listen to the citizens of our state and to each other. It takes more work, but it gets better results for our people.

This spirit of cooperation represents our state's best traditions of communities working together and neighbors helping neighbors. We saw that spirit as we joined to meet the great challenges of the past year. And it is this spirit that will allow us to meet the challenges of the coming year.

On October 9th, floods devastated parts of western New Hampshire. Seven of our citizens lost their lives. Homes and businesses were destroyed; roads and bridges washed away. Our state and our people came together to respond. In Alstead, I met a woman who had lost everything; but there she was at the fire station, answering the phones and helping others. Local electricians worked with state officials and utilities to get generators to everyone who needed them. The Red Cross opened shelters. The Salvation Army fed volunteers and fed families. People from across the state, from school children to businesses donated money, clothes, and toys.

Nearly every state department worked around the clock to help people and to begin rebuilding. Within days, the Department of Transportation was re-opening roads – re-connecting communities and giving people hope that recovery was on the way. Please join me in thanking all of our state employees for their exemplary service. And let me particularly thank Senate President Gatsas, Speaker Scamman, the legislators and local officials from the affected areas, for their outstanding leadership during this disaster.

Across western New Hampshire, people told me that seeing the National Guard made them feel safe again. In the past year, our National Guard members have served in Iraq and Afghanistan, gone to the Gulf states after Hurricane Katrina, and helped in our flood recovery. Each time, they left behind their homes, their jobs and their families. Let us thank them for their sacrifices.

We have made great progress in rebuilding after the floods. But the job is not done. Some of our neighbors lost everything, and we must do what we can to help them recover. The federal government normally pays 75% of disaster costs, and the state and local communities normally split the remainder equally, but that's much more than some of these communities can afford. That is why I ask you to pass legislation to have the state cover all but \$5,000 of the match for that community. We must help our communities rebuild.

The Portsmouth Naval Shipyard is the best shipyard in the nation. When the Department of Defense recommended closing the Shipyard, some said we shouldn't try to fight it – that we couldn't beat Washington. But we chose to fight. We had the facts on our side and worked together – shipyard employees, state officials, the congressional delegation, local communities, and thousands of our citizens. And together, together, we saved the Portsmouth Naval Shipyard.

Fuel costs are higher than ever, but Washington still has not met its responsibility to provide fuel assistance to families and seniors. In New Hampshire we were not going to leave our citizens out in the cold. Together, we acted and funded fuel assistance for our families.

The new federal prescription drug program got off to a disastrous start, leaving many seniors unable to get their prescriptions filled. In New Hampshire, we were not going to risk the health of our citizens. Together, we acted and made sure our seniors could get the medication that they need. While scandal dominates the national headlines, we in New Hampshire are working hard to ensure the highest standards of ethics and integrity in state government. We must come together to enact bipartisan ethics reform this year. And while some are attacking our presidential primary, we are going to fight together and we are going to fight hard to protect our first-in-the-nation tradition.

When we gathered last year, we faced a major budget deficit. Together, we balanced the budget without smoke and mirrors, while looking out for the needs of our citizens. We returned our state to sound financial footing, turning deficit to surplus without new taxes. Now, there are many bills before us this year that lay claim to a portion of the surplus. But we must exercise restraint.

First, I believe that we must place a significant portion of the surplus in the Rainy Day Fund. That's the fiscally responsible thing to do, and will provide a much needed cushion in the face of likely federal funding cuts. Second, we should make a few targeted investments in our economy and public safety, and finally, we must address the pressing, unanticipated needs of our citizens, as we are doing with the flood recovery and higher fuel costs. We know that high-energy costs are cutting into the ability of community providers to care for our citizens – from people with developmental disabilities to children in daycare. That is why I ask you to support Rep. Wallner's and Sen. Green's legislation to provide additional support for community providers to meet rising fuel costs.

We want all of our citizens to have access to affordable, quality health care. Last year we took action to stabilize our small business health insurance market. We ended the ability of insurance companies to discriminate based on where a business is located. And we ended the ability of insurance companies to discriminate against sick workers. Providing health care for children is the

right thing to do; it is also a wise investment in our future. Children who have access to quality health care do better in school and they do better later in life. That is why we increased our commitment to New Hampshire's Healthy Kids Children's Health Insurance Program. It is an investment we must sustain.

Our working families are struggling to pay for prescription drugs. Later today, the House will vote on a bill establishing the New Hampshire Rx program. This will permit the state to use its bargaining power with drug companies to help families save. I ask you to pass this important legislation. We were privileged last year to witness the courage of a young cancer victim, Michelle Morse. She faced the choice of staying in school or losing her health insurance. Michelle and her parents worked to make sure other students wouldn't face that same impossible decision. Michelle's parents are in the gallery today. Let us take a moment to thank them for all they and Michelle have done to help others. Sadly, Michelle passed away in November. The House honored her legacy by voting to ensure that college students will not lose their health insurance just when they need it most. I ask the Senate to quickly do the same and pass Michelle's Law.

The increasing cost of health care is not sustainable for government, for businesses, for individuals. Too many of our citizens lack health insurance and don't get the preventative care they need. My goal is that ten years from now New Hampshire will still be the healthiest state in the nation and more of our citizens will have access to quality health care, at a more affordable cost. I created the Citizen's Health Initiative to help turn that vision into a reality. They are moving forward on three important fronts: developing criteria to evaluate and monitor the quality of care; reducing the medical errors and duplication through electronic medical records; and making it easier for people to get information about health care quality and health care costs. We cannot solve our health care problems overnight, or by legislation alone, but with this Initiative, for the first time, New Hampshire has everyone at the table committed to finding solutions.

Childhood obesity is a growing public health problem, and an issue Susan feels passionately about. She has been traveling throughout New Hampshire to raise awareness and to encourage our young people to live healthier and more active lives. Thank you, Susan for helping address this critical challenge.

Education is the key to opportunity for your children, our families, and our state. The demands of a changing economy require a highly skilled and educated workforce. We improved our education funding system last year, directing more aid to the communities that need it the most; reducing the statewide property tax rate; and eliminating the divisive system of donor towns. Now, I ask you to support eliminating the statewide property tax once and for all.

For our state to compete and our children to succeed, more of them must graduate from high school. Last year an estimated 2,300 of our students dropped out of high school. We must make it clear to our young people that we are not going to give up on them; we don't want them to give up on themselves. We must change the law and require our children to stay in school until age 18. Along with the bipartisan sponsors of this legislation, I recognize that changing the compulsory attendance age is really only one part of the solution. That is why this spring I will host a statewide summit to develop strategies for keeping our young people in school. We must think creatively by looking at alternative programs, vocational high schools, internships, night programs, and at the role of the community technical colleges. Our young people, and our state, cannot afford for us to fail. Every New Hampshire child should receive a high school diploma.

We must continue our efforts to make higher education more affordable. Thanks to our commitment in this budget, first-year New Hampshire students who receive the maximum Pell Grant will now be able to attend our University System institutions for no additional tuition.

By all measures, New Hampshire's economy is strong and poised to grow even stronger in the months and years ahead. However, there are steps that we must take if we want that growth to continue. We must develop a regional plan to combat high electric rates. We need more affordable housing for our workers. Our businesses need streamlined state services. And we must get wireless access to every part of our state by the end of the decade. That is why I will soon create by Executive Order a Jobs Cabinet. Its task will be to address these issues, with concrete recommendations that will make a difference for our economy and will make a difference for our families. Companies that innovate create jobs. That is why I am asking you to support Sen. Odell's legislation to provide a tax credit for research and development. It is a small investment, with a potentially big payoff for our economy and our citizens.

To demonstrate that New Hampshire is a good place to do business, we should send a clear message that in New Hampshire, we respect property rights. I urge you to pass legislation that will set appropriate limits on eminent domain to protect private property in our state.

New Hampshire is at a crossroads. For four decades, we have been the fastest-growing state in New England. This growth has given us unparalleled opportunity. But, if we are not careful, we could put at risk the very things that make New Hampshire such a great place to live and work. I was disappointed that the budget did not provide more funding for the Land and Community Heritage Investment Program, which has done so much to protect our natural and our cultural resources. We must continue working together to protect all that makes New Hampshire so special. Mercury pollution poisons our waterways. It jeopardizes the health of our citizens. This year, we must pass legislation to reduce mercury emission from power plants in New Hampshire. But it makes no sense to reduce mercury pollution from one source, only to turn around and allow new mercury polluters in our state. Construction and demolition debris is not burned as fuel in any of our neighboring states except Maine, and 80% of that which is burned in Maine comes from out of state. We must not let New Hampshire become the new dumping ground for this toxic material. We need a long-term state policy for protecting our groundwater, an issue that legislative study committees are considering. Until we have that policy in place, we must proceed carefully to avoid further exploitation of our groundwater resources. We must ensure that our citizens always have clean, safe drinking water.

Our state parks are treasures. We are improving our great park system by working to add a new park on Temple Mountain and creating a specialized ATV park in Berlin. Last year, the legislature created a commission to study the future of our state park system. I look forward to its recommendations, but I want to make clear my guiding principles. Our state parks belong to all of our citizens, and we hold them in trust for future generations. I will not allow them to be turned over to private interests.

The most fundamental duty of state government is to protect the safety of our citizens. Our Bureau of Emergency Management did an extraordinary job during the floods. However, we must continue to work to improve our emergency preparedness and response. An Avian Flu pandemic would be a catastrophe for our citizens. New Hampshire recently conducted a major statewide drill to test our ability to respond. We learned some important lessons from the drill that will improve our ability to protect New Hampshire citizens. I will continue working with Emergency Management, Health and Human Services, the legislature, communities and health care providers to make sure New Hampshire does everything possible to prepare.

Our population and highway traffic is increasing. But in recent years, we've seen a reduction in the number of state troopers. That's not safe for our troopers or for our citizens. That is why I'm asking you to support legislation sponsored by Senators Clegg and D'Allesandro to increase the number of state troopers on our roads.

In New Hampshire, we are seeing an increase in the production and sale of crystal meth, a horribly addictive drug that is ruining lives. I applaud the work of the Legislative Caucus on this issue and I urge you to pass tough legislation this year. We must prevent crystal meth from gaining an even bigger foothold in our state.

We must focus our attention on improving the Corrections system, and our new Commissioner Bill Wrenn will be presenting us with recommendations in the coming months. But one step is clear. We must begin planning the expansion of the prison in Berlin.

People who prey on children are among the most dangerous criminals in our state. Working with the Attorney General and many groups and lawmakers, particularly the bill's sponsors, Rep. Batula and Sen. Foster, we developed legislation that will give New Hampshire the most comprehensive and toughest child protection laws in the nation. This legislation contains 28 provisions aimed at increasing the penalties on people who prey sexually on children; increasing penalties for murdering or permanently injuring a child; improving registration and monitoring of sexual predators; and giving parents better information about whether sexual predators are living in their neighborhoods. Nothing, nothing is more important than keeping our children safe. It's time to send a clear message: If you prey on our children in New Hampshire, we are going to send you to prison and we are going to keep you there for a long time.

As I have traveled the State of New Hampshire, citizens have told me of the pride that they feel in the new tone that we have brought to Concord. They see the spirit of bipartisan cooperation, they see their state government working for them, and they see the results. Let us remain united by our common love for New Hampshire and its people.

I pledge to you that my door will remain open to all of you, Democrat, Republican and Independent. I will continue to work for solutions, not partisan advantage. I will continue to work with you to put the interests and needs of the people of New Hampshire first.

In the past year, we have worked together in the best traditions of New Hampshire to confront the challenges we faced. Let us move forward this year with the same spirit of cooperation, the same resolve, and the same commitment to all of our citizens.

Thank you.

Sen. Clegg and Rep. Weyler moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

The House recessed at 11:15 a.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 11:25 a.m.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Weyler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 1184, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy Johnson for Municipal and County Government: The bill is a technical correction. Currently, an official ballot municipality passes a bond or serial note by a 3/5 vote. If there is a balance, it takes a 2/3 vote to authorize the municipality to use that remaining sum for any other purposes for which bonds or notes would be issued. This bill changes that 2/3 vote to a 3/5 vote in official ballot municipalities. Vote 15-2.

Amendment (0311h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 1248 FN, relative to the alteration of a portion of the town line between Milford and Amherst. **OUGHT TO PASS.**

Rep. Eric G. Stohl for Municipal and County Government: This bill changes the boundary line between the towns of Amherst and Milford by transferring a portion of territory from Amherst to Milford. The territory involved is only about 250' wide on one end and only about 35' on the other and extending for about 3400' in length. The present town line divides 15 pieces of property which includes some homes being split in two. Both towns' governing bodies are in complete agreement with this solution. In addition, the legislative body of each municipality will need to ratify this agreement by a 2/3 majority vote. Vote 16-0.

HB 1262, legalizing actions taken at town meeting relative to increasing the board of selectmen from 3 members to 5 members in the town of Pittsfield. **OUGHT TO PASS.**

Rep. Eric G. Stohl for Municipal and County Government: This bill legalizes the proceedings, actions, and votes taken on the question of increasing the board of selectmen from 3 members to 5 members at the Pittsfield Town Meeting on March 12, 2005. The committee heard testimony from numerous individuals including past and present selectmen. The petitioners sought advice from the town administrator as to the procedure for having an article to raise the membership of the select board placed on the town warrant. They followed that procedure and submitted the advised number of signatures. The town administrator, the supervisor of the checklist, and the board of selectmen reviewed the petition and placed it on the Town Warrant. The people at the town meeting voted 432-366 in favor of raising the number of selectmen from 3 to 5. Some time later, the vote was ruled invalid due to the fact that the wrong RSA was followed. The committee feels these proceedings, actions and the vote taken should be ratified. Vote 17-0.

REGULAR CALENDAR

HB 1402, defining "occupant" for purposes of liability for construction or maintenance of recreational trails. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David H. Russell for the Majority of Resources, Recreation and Development: This bill is extremely critical to the North Country and the state as a whole in protecting the billion dollar snowmobile industry. Maintaining and improving trails for public recreational use utilizing volunteers (either paid or not paid) has become essential. This bill addresses the immunity of these volunteers in maintaining and more specifically grooming the large network of snowmobile trails. This bill was requested by the Department of Resources and Economic Development. Vote 9-6.

Rep. Sandra B. Keans for the Minority of Resources, Recreation and Development: The purpose of HB 1402 was originally to address the ruling in *Estate of Kenison v. Dubois, et al.* The stated goal of the supporters of the bill was to make volunteer trail groomers immune from liability for negligence. During the hearing, the attorney for the New Hampshire Snowmobile Association represented that they will not be immune from liability for gross negligence; however, this is not correct. Under both the original version, and the amended version of HB 1402, even gross negligence is protected. If the bill goes forward, it should be changed to clarify that those who are grossly negligent are not protected from liability. However, as the bill stands, it completely flips on its head the phrase "occupant." With this bill, the common-sense meaning of the word no longer exists, and an artificial meaning is given, making it ambiguous as best. Furthermore, the bill ambiguously removes all legal protections for all snowmobilers (and all others listed in the bill, hikers, campers, etc.), no matter how poorly constructed, maintained or improved the trail is. Under the confusing language of this bill, the longstanding common law of reasonable care is completely stripped away. None of the persons protected from immunity will have the duty to use "reasonable care," and because even gross negligence is protected, if the language is enforced by the court, these people will have no duty to use any care at all. There will be absolutely no compensation for medical bills or lost wages to those injured by the gross negligence of those who construct, maintain or improve trails; no accountability whatsoever. The costs for their care, at least where the injuries are substantial, will most likely end up being borne by the taxpayers. There is no problem that needs to be fixed. The mere testimony at the hearing that some groomers are "nervous" based on the Kenison case, should not be sufficient to change longstanding New Hampshire law protecting individuals injured by another's negligence. The minority intends to offer a floor amendment that will satisfy these concerns.

Majority Amendment (0375h)

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Liability of Landowners; Duty of Care. Amend RSA 212:34 by inserting after paragraph IV the following new paragraph:

V. In this section, "occupant of premises" means an association, corporation, or other legal entity which is nonprofit, or an individual who performs services for a nonprofit entity that constructs, maintains, or improves trails for public recreational use.

2 Off Highway Recreational Vehicles and Trails; Inherent Dangers of OHRV Operation. Amend RSA 215-A:5-c to read as follows:

215-A:5-c Inherent Dangers of OHRV Operation.

I. It is recognized that OHRV operation may be hazardous. Therefore, each person who drives or rides an OHRV accepts, as a matter of law, the dangers inherent in the sport, and shall not maintain an action against an owner, occupant, or lessee of land for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the OHRV user assumes as a matter of law include, but are not limited to, the following: variations in terrain, trails, paths, or roads, surface or subsurface snow or ice conditions, bare spots, rocks, trees, stumps, and other forms of forest growth or debris, structures on the land, equipment not in use, pole lines, fences, and collisions with other operators or persons.

II. In this section, "occupant" means an association, corporation, or other legal entity which is nonprofit, or an individual who performs services for a nonprofit entity that constructs, maintains, or improves trails for public recreational use.

3 New Paragraph; Snowmobiles; Posted Land. Amend RSA 215-C:55 by inserting after paragraph II the following new paragraph:

III. In this section, "occupant" means an association, corporation, or other legal entity which is nonprofit, or an individual who performs services for a nonprofit entity that constructs, maintains, or improves trails for public recreational use.

4 New Paragraph; Limitation of Actions; Landowner Liability Limited. Amend RSA 508:14 by inserting after paragraph II the following new paragraph:

III. In this section, "occupant" means an association, corporation, or other legal entity which is nonprofit, or an individual who performs services for a nonprofit entity that constructs, maintains, or improves trails for public recreational use.

5 Effective Date.

I. Section 3 of this act shall take effect July 1, 2006 at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill defines "occupant" and "occupant of premises" for purposes of landowner liability.

This bill is a request of the department of resources and economic development.

Rep. Spang spoke against.

Majority committee amendment failed.

Rep. Spang offered floor amendment (0474h).

Floor Amendment (0474h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use, and establishing a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land.

Amend the bill by replacing all after the enacting clause with the following:

I Limitation of Actions; Duty of Care. Amend RSA 508:14, II to read as follows:

II. Any individual, corporation, or other nonprofit legal entity, or any individual who performs services for a nonprofit entity, that constructs, maintains, or improves trails for public recreational use shall not be liable for personal injury or property damage in the absence of gross negligence or willful or wanton misconduct.

III. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.

2 Committee Established. There is established a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties. The committee shall study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land. The committee shall study the provisions of RSA 508:14, RSA 215-A:5-c, RSA 215-C:55, and RSA 212:34 for the purpose of reconciling the standards of care applicable to landowners, lessees, and occupants of lands used for public recreational use.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that any individual, corporation, or other nonprofit legal entity, or any individual who performs services for a nonprofit entity, that constructs, maintains, or improves trails for public recreational use shall not be liable for personal injury or property damage in the absence of gross negligence or willful or wanton misconduct. The bill also establishes a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land.

Reps. Spang and Stohl spoke in favor.

Floor amendment (0474h) was adopted.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDERS FROM JANUARY 4, 2006

HB 634-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Burton W. Williams for Environment and Agriculture: This state, as a whole, has not obtained the solid waste diversion goal of 40% established under RSA 149-M:2. Funding and expertise have not been available to our cities and towns to properly address their solid waste issues. Solid waste tonnage at our incinerators and land fills is increasing. This bill addresses the issue before us and directs monies to recycling programs. Vote 15-0.

Amendment (0228h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.

Amend the bill by replacing all after the enacting clause with the following:

I Findings. The general court finds and declares that the state did not attain the 40 percent solid waste diversion goal established by the state for the year 2000 under RSA 149-M:2. Additional resources are needed to assist municipalities and businesses in diverting greater amounts of the waste stream from disposal in landfills and incinerators, thereby preserving disposal capacity in New Hampshire. Programs must also be developed to appropriately dispose of household hazardous waste, including the ever-burgeoning quantities of electronic waste.

2 Solid Waste Management; Definition; Source Reduction. Amend RSA 149-M:4, XXIV to read as follows:

XXIV. "Source reduction" means changing industrial processes, technologies, and product components with the specific objective of reducing the amount or toxicity of waste at the source. *Source reduction shall also include any actions taken outside of the manufacturing setting that reduce the amount of waste produced.*

3 New Subdivision; Funding For Waste and Toxicity Reduction. Amend RSA 149-M by inserting after section 57 the following new subdivision:

Funding For Waste and Toxicity Reduction

149-M:58 Solid Waste Disposal Fee.

I. A solid waste disposal fee of \$1 per ton shall be assessed on any solid waste that is landfilled or incinerated at a solid waste facility. The operator of the facility shall be liable for payment of this fee according to paragraph II. If an accurate weight scale is not available at a receiving landfill or incinerator, the disposal fee shall be imposed at a rate of \$0.25 per cubic yard, as can most accurately be determined.

II. Fees shall accrue and be remitted to the department by those responsible for payment on a semiannual basis upon forms provided by the department. The respective 6-month accrual periods shall end on June 30 and December 31, with remittances due on the following July 31 and January 31, respectively.

III. If payment required by this section is not furnished, or is incorrect or insufficient, the department shall make a finding as such, and determine the amount due from information available.

IV. Accurate and complete solid waste weight or volume records relating to the disposal fee imposed by this section shall be kept by those responsible for paying the fees to the department and shall be available for inspection or examination at any time by the commissioner, or the commissioner's duly authorized agents or employees, and shall be preserved for a period of 5 years.

V. The commissioner shall adopt rules, under RSA 541-A, relative to the payment of the fee under this section, including any necessary forms and records.

149-M:59 Exemptions. The following shall not be subject to the disposal fee imposed by RSA 149M:58:

I. Any material that is delivered to a solid waste facility and is not landfilled or incinerated at that facility.

II. Brush, logs, stumps, leaves, and roots deposited into a stump dump.

III. Roadside wastes delivered to a landfill or incinerator when the facility operator certifies that he or she has accepted those wastes without any disposal charge.

IV. Cover material that is placed over solid waste at a landfill as defined by rules adopted under RSA 149-M:7.

V. Solid waste disposed of at a landfill or incinerator that is owned by a municipality, provided such facility accepts waste generated only within the municipality, with such exemption to be at the option of the qualifying municipality.

(a) For a municipality that opts to be exempt under this paragraph, funds collected under this subdivision shall not be used to provide money or services to the municipality or to residents, businesses, schools or any other entities within the municipality.

(b) This prohibition shall not apply to any entity that has not disposed of its solid waste at the municipal landfill or incinerator within the past 6 months.

(c) This prohibition shall expire if the municipality decides to no longer opt for such exemption and makes at least 2 consecutive, semi-annual payments under RSA 149-M:58, II.

VI. Incinerator ash that is landfilled, provided the ash was generated at an in-state incinerator and such incinerator is not owned by a qualifying municipality that opts to be exempt under paragraph V.

149-M:60 Use of Funds.

I. At least 50 percent of the revenues collected from the solid waste disposal fee shall be available to organizations registered with the secretary of state as nonprofit organizations provided the following conditions are met by each organization:

(a) The organization shall maintain its non-profit status;

(b) The organization's primary mission is to assist municipalities, schools, or businesses in increasing levels of source reduction, recycling, reuse or composting; and

(c) The organization shall only spend proceeds received under this subdivision to provide:

(1) Technical assistance to municipalities and businesses on source reduction, recycling, reuse, and composting issues;

(2) Recycling and composting equipment grants to municipalities;

(3) Support for school source reduction, recycling, reuse, and composting programs; or

(4) Support for educational programs on source reduction, recycling, reuse, composting, the purchase of products with recycled material content, and pay-as-you-throw programs.

(d) An emphasis shall be given to minimizing administrative costs, while effectively delivering such services or grants.

II. The department may expend up to 50 percent of the revenues collected from the solid waste disposal fee, pursuant to appropriations of said sums in the department's operating budget, for the purpose of:

(a) Training solid waste facility operators in recycling and composting practices;

(b) Maintaining accurate information on recycling and composting rates in the state, including the overall diversion rate;

(c) Providing programs for the efficient receipt, transportation, and disposal of household hazardous waste and electronic wastes; and

(d) Collecting the solid waste disposal fee, administering the fund in RSA 149-M:61, and staffing the recycling steering commission established under RSA 149-O.

149-M:61 Fund Established; Administration and Expenditure.

I. There is hereby established the solid waste reduction fund into which all moneys collected under this subdivision shall be deposited. This nonlapsing, special fund is continually appropriated to the department of environmental services to be expended only as provided by contract issued under paragraph II and as provided under RSA 149-M:60, II. The state treasurer shall invest the moneys deposited in the fund as provided by law. Any return on investments made shall also be credited to the fund.

II. The recycling steering commission, established under RSA 149-O, shall determine the types and amounts of grants and services, as identified under RSA 149-M:60, I(c), that are best able to produce long-term, increased rates of solid waste diversion from landfills and incinerators. Based on such determination, the commission shall from time to time, as needed, issue requests for proposals from eligible nonprofit organizations and shall select the organization or organizations to whom a contract shall be awarded. The department shall contract with such organizations, on behalf of the commission, under such terms as specified by the commission and in conformance with applicable state law. Such contracts shall not exceed 3 years in duration and shall include a payment schedule and reporting requirements sufficient to assure that the contract is being fulfilled.

4 Recycling Steering Commission. Amend RSA 149-O to read as follows:

CHAPTER 149-O

RECYCLING ~~[MARKET DEVELOPMENT]~~ STEERING [COMMITTEE] COMMISSION

149-O:1 ~~[Committee]~~ *Commission* Established; Duties. There is established a recycling ~~[market development]~~ steering ~~[committee]~~ *commission* to promote the establishment and expansion of recycling-related ~~[industries and companies]~~ *activities* in New Hampshire.

149-O:2 Duties. The ~~[steering committee]~~ *commission* shall have the following duties:

I. Advocating and securing funding for recycling market development.

II. Facilitating close communication and interaction among the state's recycling and economic development agencies and other involved organizations.

III. Providing continuity to the state's recycling market development efforts by reviewing and revising market development priorities, evaluating the impact of market development initiatives, and recommending new directions for market development efforts.

IV. Developing a strategy to increase the amount of solid waste diverted from landfills and incinerators through source reduction, recycling, composting, reuse, the purchase of products with recycled material content, and pay-as-you-throw programs, and to fund such activities in accordance with RSA 149-M:61, II.

149-O:3 Membership.

I. The ~~[steering committee]~~ *commission* shall consist of the following members~~[-, representing the major segments of the state's recycling and economic development communities]:~~

(a) One member of the house of representatives, appointed by the speaker.

(b) One member of the senate, appointed by the senate president.

(c) The director of the *office of energy and planning, or designee*. ~~[governor's recycling program:]~~

(d) ~~[The recycling coordinator in]~~ *The commissioner* of the department of environmental services, or *designee* ~~[another appropriate representative of the department, appointed by the commissioner of the department of environmental services].~~

(e) The commissioner of the department of resources and economic development, or designee.

~~[(f) The executive director of the Northeast Resource Recovery Association.]~~

(g) The director of the division of plant and property management, department of administrative services.]

(f) A representative of beverage, soft drink, or retail grocer interests, appointed by the governor.

(g) A representative of school recycling interests, appointed by the governor.

(h) A representative of the New Hampshire Business and Industry Association, appointed by the association.

~~[(i) A representative from the New Hampshire Business Development Corporation, business finance authority, or another statewide economic development organization, appointed by the governor.]~~

~~[(j)]~~ (i) A representative of New Hampshire's environmental community, appointed by the governor.

~~[(k) A representative]~~ (j) *Two representatives* from the New Hampshire Municipal Association, appointed by the association.

~~[(t) The commissioner of the department of transportation, or designee.]~~

149-O:4 Meetings *and Staffing*. The [committee] *commission* shall meet quarterly and at such other times as the chairperson may call. *The commission shall be provided staffing services by the department of environmental services.*

149-O:5 Report. The [committee] *commission* shall prepare an annual report detailing the [committee's] *commission's actions and progress during the prior fiscal year and any recommendations for legislation.* The [committee] *commission* shall submit the report by [February] *October* 1 each year to the [chairperson of the house environment and agriculture committee, the chairperson of the senate environment committee] *respective house of representatives and senate standing committees having responsibility for the subject matter*, the speaker of the house, the senate president, the house clerk, the senate clerk, the state library, and the governor.

149-O:6 Mileage. Members shall serve without compensation except that legislative members shall receive legislative mileage while conducting [committee] *commission* business.

5 New Subparagraph; Treasury; Application of Receipts Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys deposited in the solid waste reduction fund under RSA 149-M:61.

6 Repeal. RSA 149-M:6, XI, relative to assessing an out-of-state solid waste surcharge, is repealed.

7 Prospective Repeal. The following are repealed.

I. RSA 149-M:58-61, relative to funding for waste and toxicity reduction.

II. RSA 6:12, I(b)(243), relative to the solid waste reduction fund. Any balance remaining in the solid waste reduction fund after all contractual payment obligations are fulfilled shall be deposited in the general fund.

8 Effective Date.

I. Section 7 of this act shall take effect July 1, 2012.

II. The remainder of the act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill establishes a program administered by the department of environmental services for funding for solid waste reduction, and authorizes fees to be paid to and expended by the department.

The bill also renames the recycling market development steering committee as the recycling steering commission and revises the duties of the commission.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Kurk spoke against.

Reps. Burton Williams and Essex spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Camm requested a roll call; sufficiently seconded.

YEAS 176 NAYS 168

YEAS 176

BELKNAP

Heald, Bruce
Tobin, William

Millham, Alida
Veazey, John

Morrison, Gail

Pilliod, James

CARROLL

Ahlgren, Christopher
Knox, J David
Philbrick, Donald

Babson, David Jr
Martin, James

Buco, Thomas
McConkey, Mark

Dickinson, Howard
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Foote, Sheila
Pelkey, Stephen
Roberts, Kris
Weed, Charles

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Eaton, Daniel
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Chase, William
Espiefs, Peter
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

COOS

Buzzell, Bernard	Merrick, Scott	Remick, William	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			

HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane
Bergin, Peter	Campbell, David	Carew, James	Chase, Claudia
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Drisko, Richard	Dyer, Donald	Egbers, Fran
Essex, David	Gargasz, Carolyn	Ginsburg, Ruth	Golding, William
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Martin, Mary Ellen	Matarazzo, Anthony R	Messier, Irene
Michon, Stephen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Ross, Lawrence	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Velez, Hector	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kidder, David
Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen
Gilbert, Karl	Gould, Kenneth	Johnson, Robert	Langley, Jane
Moody, Marcia	Norelli, Terie	Powers, James	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Wells, Roger			

STRAFFORD

Bickford, David	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Katherine
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinzy, James	Prichard, Stephen

NAYS 168**BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

CARROLLBrown, Carolyn
Stevens, Stanley

Chandler, Gene

Merrow, Harry

Patten, Betsey

CHESHIRE

Dexter, Judson

Emerson, Susan

Hunt, John

COOSKing, Frederick
Tholl, John Jr

Morneau, Renney

Richardson, Herbert

Stohl, Eric

GRAFTONGionet, Edmond
Naro, DebraGiuda, Robert
Sorg, GregoryIngbretson, Paul
Ward, John

Mirski, Paul

HILLSBOROUGHAdams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Emerton, Larry
Goley, Jeffrey
Hinkle, Peyton
Infantine, William
Kurk, Neal
McRae, Karen
O'Brien, William
Price, Pamela
Ryder, Donald
Stepanek, Stephen
Villeneuve, MauriceBalboni, Michael
Biundo, Michael
Buhlman, David
Christensen, D L Chris
Crane, Elenore Casey
Foster, Linda
Goyette, Peter Jr
Hirschmann, Keith
Jasper, Shawn
Lawrence, James
Mead, Robert
Ober, Lynne
Reeves, Sandra
Scanlon, Michael
Tahir, Saghir
Wheeler, JamesBarry, J Gail
Boehm, Ralph
Calawa, Leon Jr
Christiansen, Lars
Dokmo, Cynthia
Francoeur, Bea
Graham, John
Holden, Randolph
Judy, Jean
Lessard, Rudy
Mooney, Maureen
Palangas, Eric
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan
Wheeler, RobertBatula, Peter
Brassard, Paul
Carlson, Donald
Clark, Mark
Elliott, Nancy
Gibson, John
Hawkins, Ken
Hunter, Bruce
Kelly, Eugene Jr
Manney, Pamela
Moran, Edward
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve**MERRIMACK**Anderson, Eric
Field, William
MacKay, James
Soltani, TonyClarke, Claire
Hess, David
Marple, RichardCurrier, David
L'Heureux, Stephen
Maxfield, RoyDanforth, James
Langlais, Thomas
Reardon, Tara**ROCKINGHAM**Asselin, Michael
Bishop, Franklin
Carson, Sharon
Doyle, Christopher
Forsing, Robert
Headd, James
Ingram, Russell
Lund, Howie
McMahon, Charles
Quandt, Marshall Lee
Stone, Joseph
Weyler, KennethBelanger, Ronald
Bridle, Russell
Charron, Gene
Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Introne, Robert
Major, Norman
Moore, Benjamin
Quandt, Matthew
Waterhouse, Kevin
Wiley, RobertBettencourt, David
Cady, Harriet
Coburn, James
Fesh, Bob
Garrity, James
Hughes, Daniel
Itse, Daniel
Mason, April
Nowe, Ronald
Rausch, James
Weare, E Albert
Winchell, GeorgeBicknell, Elbert
Camm, Kevin
Dowd, John
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Scamman, Stella
Welch, David
Zolla, William**STRAFFORD**Albert, Russell
Easson, TimothyBrown, Julie
Newton, CliffordCataldo, Sam
Taylor, KathleenChaplin, Duncan
Twombly, James**SULLIVAN**Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

and the committee report was adopted.

Referred to the committee on Ways and Means.

HB 624-FN, relative to penalties in certain health and health-related professions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ronald J. Nowe for Executive Departments and Administration: Under current law there are no penalties for practicing without a license in 21 professions that are identified in this bill. This bill will establish a uniform penalty for knowingly practicing without a license in these 21 regulated professions. Vote 16-4.

Amendment (0201h)

Amend the bill by replacing sections 7-9 with the following:

7 Nursing; Practicing Without a License. Amend RSA 326-B:41, II to read as follows:

II. Practice as a licensee *without a license or* when the license to do so has been revoked or suspended or when the license to do so has lapsed.

8 New Section; Nursing Practice Act; Penalties. Amend RSA 326-B by inserting after section 41 the following new section:

326-B:41-a Penalty.

I. Any person who shall practice or attempt to practice as a registered nurse, advanced registered nurse practitioner, licensed practical nurse, or licensed nursing assistant in this state without a license shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person.

II. Any person who violates any of the other provisions of this chapter shall be guilty of a misdemeanor.

9 Certified Midwifery; Penalties. Amend RSA 326-D:6, III to read as follows:

III. The title "certified midwife" shall be used only by persons certified under this chapter. No person shall continue to represent himself or herself as a certified midwife after certification has been suspended under this chapter. Any person whose certification under this chapter has been suspended or revoked by the council for disciplinary action under RSA 326-D:8, shall not engage in the practice of midwifery unless and until the suspension or revocation of certification has been lifted. ~~[Any person violating any provision of this chapter shall be guilty of a violation.]~~

IV. Any person who shall practice or attempt to practice as a certified midwife in this state without certification shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person. Any person violating any other provision of this chapter shall be guilty of a violation.

Amend the bill by replacing all after section 20 with the following:

21 New Subparagraph; Interpreters For The Deaf And Hard Of Hearing; Exemptions. Amend RSA 326-I:7, IV by inserting after subparagraph (e) the following new subparagraph:

(f) Court reporters certified under RSA 331-B while employed as court reporters as defined in RSA 331-B:2, III.

22 Effective Date. This act shall take effect July 1, 2006.

Amendment adopted.

Committee report adopted.

Referred to the committee on Criminal Justice and Public Safety.

The House recessed at 12:20 p.m.

RECESS**(Speaker Scamman in the Chair)**

The House reconvened at 1:20 p.m.

REGULAR CALENDAR (CONT'D.)

Without objection, The House took up the following three bills out of their Regular Calendar order.

CLERK'S NOTE

When less than two-thirds of the elected membership is present. Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

HB 116, relative to changes in eligibility for state programs. **INEXPEDIENT TO LEGISLATE.**
Rep. Elizabeth S. Hager for Finance: This bill is not necessary. The Legislature has several points of control/information about eligibility for programs; both the Fiscal Committee and the Joint Legislative Committee on Administrative Rules review eligibility standards. This bill would create redundancy. Vote 16-4.
Adopted by the necessary two-thirds.

HB 191-FN, relative to using school building aid for leased classrooms. **INEXPEDIENT TO LEGISLATE.**
Rep. Kenneth H. Gould for Finance: Part of this bill has been passed in other legislation. The remainder of this bill raises questions about school-owned buildings versus leased buildings. It also creates friction between town and school as regards building permit fees. Vote 19-1.
Adopted by the necessary two-thirds.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

HB 298, relative to consolidating statutes relating to driving while intoxicated. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Brenda L. Ferland for Transportation: This bill takes all DWI laws relating to any motor vehicle, boats, and OHRVS from a multitude of sections of current statutes and combines them into one section with no major changes, just some language clarification. Vote 9-0.

Amendment (0217h)

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Alcohol or Drug Impairment. Amend RSA by inserting after chapter 265 the following new chapter:

CHAPTER 265-A ALCOHOL OR DRUG IMPAIRMENT

265-A:1 Definitions. In this chapter:

I. "Authorized agent" means any agent or inspector certified by the commissioner, after training, to police the public waters of the state.

II. "Boat" means and includes every type of watercraft used or capable of being used as a means of transportation on the water.

III. "OHRV" means an off highway recreational vehicle as defined in RSA 259:69 or a snowmobile as defined in RSA 259:102.

IV. "Peace officer" means "peace officer" as defined in RSA 594:1 or any properly trained personnel of the United States Coast Guard.

Driving or Operating Under the Influence of Drugs or Liquor

265-A:2 Driving or Operating Under Influence of Drugs or Liquor; Driving or Operating With Excess Alcohol Concentration.

I. No person shall operate or attempt to operate an OHRV or drive or attempt to drive a vehicle upon any way:

(a) While such person is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drugs; or

(b) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more.

II. No person shall operate or attempt to operate a boat while under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and a controlled drug or drugs, or while such person has an alcohol concentration of 0.08 or more or in the case of persons under the age of 21, 0.02 or more.

265-A:3 Aggravated Driving While Intoxicated. A person shall be guilty of aggravated driving while intoxicated if the person drives, operates, or attempts to operate an OHRV, or if the person drives or attempts to drive a vehicle upon any way, or if the person operates or attempts to operate a boat:

I. While under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drug or drugs and, at the time alleged:

(a) Drives or operates at a speed more than 30 miles per hour in excess of the prima facie limit;

(b) Causes a motor vehicle, boating, or OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another;

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps or, in the case of a boat, navigational lamps while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued; or

(d) Carries as a passenger a person under the age of 16;

II. While having an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21 at the time of the offense, 0.02 or more and, at the time alleged:

(a) Drives or operates at a speed more than 30 miles per hour in excess of the prima facie limit;

(b) Causes a motor vehicle, boating, or OHRV collision resulting in serious bodily injury, as defined in RSA 625:11, VI, to the person or another;

(c) Attempts to elude pursuit by a law enforcement officer by increasing speed, extinguishing headlamps or, in the case of a boat, navigational lights while still in motion, or abandoning a vehicle, boat, or OHRV while being pursued; or

(d) Carries as a passenger a person under the age of 16; or

III. While having an alcohol concentration of 0.16 or more.

265-A:4 Implied Consent of Driver or Operator to Submit to Testing to Determine Alcohol Concentration. Any person who drives, operates, or attempts to operate an OHRV, drives or attempts to drive a vehicle upon the ways of this state, or operates or attempts to operate a boat upon the public waters of the state shall be deemed to have given consent to physical tests and examinations for the purpose of determining whether such person is under the influence of intoxicating liquor or controlled drugs, and to a chemical, infrared molecular absorption, or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug content of such person's blood or alcohol concentration if arrested for any offense arising out of acts alleged to have been committed while the person was driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration in excess of the statutory limits contained in RSA 265-A:2 or RSA 265-A:3. The test or tests shall be administered at the direction of a law enforcement officer, peace officer, or authorized agent having reasonable grounds to believe the person to have been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving or in actual physical control of a vehicle, or operating or in actual physical control of a boat while under the influence of intoxicating liquor or controlled drugs or while having an alcohol concentration of 0.08 or more, or in the case of a person under the age of 21, 0.02 or more. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the certified breath testing operator conducting the test. When the incident involves an accident resulting in death or serious bodily injury to any person as provided in RSA 265-A:16, the prerequisites of RSA 265-A:8 shall not apply. Properly trained personnel of the United States Coast Guard may arrest and conduct tests on persons who are believed to be under the influence of intoxicating liquor or controlled drugs, or a combination thereof, and who are in physical control of a boat operating upon the public coastal waters of this state.

265-A:5 Administration of Alcohol Concentration Tests.

I. Only a duly licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist acting at the request of a law enforcement officer, authorized agent, or peace officer may withdraw blood for the purpose of a test required by RSA 265-A:4. Such licensed physician, registered nurse, physician's assistant, or qualified medical technician or medical technologist shall not be liable for damages or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal provided the physician, registered nurse, physician's assistant, or qualified medical technician or medical technologist acts with ordinary care.

II. All such blood and urine tests made under the direction of a law enforcement officer, authorized agent, or peace officer shall be conducted in the forensic science laboratory of the department of safety established in RSA 106-B:2-a or, in the case of blood and urine samples to be tested for the

presence of controlled drugs, in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended.

III. The successful completion of the external standard reference check shall be admissible evidence that the instrument was properly calibrated at the time of the test. The external standard reference check shall be performed according to the schedule required in rules adopted by the commissioner of the department of safety pursuant to RSA 541-A.

IV. No tests of blood, urine, or breath authorized by RSA 265-A:4 shall be considered as evidence in any proceeding before any administrative officer or court unless such test is performed in accordance with methods prescribed by the commissioner of the department of safety.

V. The commissioner of the department of safety shall adopt rules pursuant to RSA 541-A relative to:

(a) Methods and procedures for the testing of blood, urine, and breath to determine alcohol concentration and controlled drug content of a person's blood;

(b) Techniques or methods for ascertaining the qualifications and competence of individuals to conduct such tests;

(c) Methods and procedures for the delivery and processing of samples of such tests;

(d) Forms relative to taking samples for alcohol concentration tests for admission as evidence pursuant to RSA 265-A:12, IV;

(e) Procedures for certification of any laboratory that conducts tests pursuant to RSA 265-A:7; and

(f) Such other matters as are required to carry out the provisions of this chapter relative to alcohol concentration tests.

265-A:6 Administration of Physical Tests Added. No post-arrest physical test or examination authorized by RSA 265-A:4 shall be considered as evidence in any proceeding before any administrative officer or court unless such test or examination is performed by a law enforcement officer who has been trained in the administration of such physical tests and examinations by a law enforcement agency or in a training program approved by the police standards and training council.

265-A:7 Additional Tests. Any person to whom RSA 265-A:4 is applicable shall have the right at his or her own expense to have similar tests made by a person of his or her own choosing who is competent to conduct the tests, as determined by the commissioner of the department of safety under RSA 265-A:5, and shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265-A:4. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of any test taken at the direction of a law enforcement officer, authorized agent, or peace officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional test made. For the purpose of this section:

I. The sample of blood taken pursuant to RSA 265-A:4 shall be of sufficient quantity to allow 2 tests; and the testing laboratory shall retain for a period of 30 days subsequent to the test conducted pursuant to RSA 265-A:4 a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his or her counsel upon request.

II. The sample or samples of breath taken pursuant to RSA 265-A:4 shall be captured in an appropriate medium approved by the commissioner of the department of safety pursuant to RSA 265-A:5, V, and shall be sufficient to allow an equivalent additional test for each breath sample taken pursuant to 265-A:4. The captured sample or samples shall be given to the respondent in a manner determined by the commissioner of the department of safety.

265-A:8 Prerequisites to Tests.

I. Before any test of a person's blood, urine or breath specified in RSA 265-A:4 is given, the law enforcement officer, authorized agent, or peace officer shall:

(a) Inform the arrested person of his or her right to have a similar test or tests made by a person of his or her own choosing;

(b) Afford the arrested person an opportunity to request such additional test; and

(c) Inform the arrested person of the consequences of his or her refusal to permit a test at the direction of the law enforcement officer.

II. Before any post-arrest physical test specified in RSA 265-A:4 is given, the law enforcement officer, authorized agent, or peace officer shall inform the defendant of the consequences of the defendant's refusal to comply with the law enforcement officer's, authorized agent's, or peace officer's instructions for a post-arrest physical test.

III. If the law enforcement officer, authorized agent, or peace officer fails to comply with the provisions of this section, the test shall be inadmissible as evidence in any proceeding before any administrative officer and court of this state.

265-A:9 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265-A:2, I(a), or RSA 265-A:3, I, was under the influence of intoxicating liquor or any controlled drug.

265-A:10 Effect of Evidence of Refusal to Take Alcohol Concentration Test. If a person refuses to submit to a test as provided in RSA 265-A:4, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat while under the influence of intoxicating liquor or any controlled drug.

265-A:11 Evidence.

I. Upon complaint, information, indictment, or trial of any person charged with the violation of RSA 265-A:2, the court may admit evidence of physical testing of the defendant for being under the influence of intoxicating liquor or controlled drugs as provided in RSA 265-A:4, and of the controlled drug content of the defendant's blood and the defendant's alcohol concentration, as shown by a test of his or her breath, blood, or urine as provided in RSA 265-A:4. Evidence that there was, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more is prima facie evidence that the defendant was under the influence of intoxicating liquor. In addition, evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265A:2, I(b) of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:2, I(b); and evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more shall, in conjunction with the evidence otherwise required by RSA 265A:3, II of driving or attempting to drive a vehicle upon a way and of one or more of the circumstances specified in RSA 265-A:3, II (a), (b), (c), and (d) constitute a separate offense under RSA 265-A:3, II; and evidence that there was, at the time alleged, an alcohol concentration of 0.16 or more shall, in conjunction with the evidence otherwise required by RSA 265-A:3, III of driving or attempting to drive a vehicle upon a way, constitute a separate offense under RSA 265-A:3, III.

II. Upon complaint, information, indictment, or trial of any person charged with a violation of the provisions of RSA 265-A:2, II relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the defendant's alcohol concentration at the time alleged, as shown by a chemical, infrared molecular absorption, or gas chromatograph test or tests of his or her breath, urine, or blood. Evidence that there was, at the time alleged, an alcohol concentration of 0.08 or more, is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of more than 0.03 and less than 0.08 is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that the defendant had, at the time alleged, an alcohol concentration of 0.03 or less is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

265-A:12 Official Record of Tests.

I. Any person who is arraigned on a charge arising under RSA 265-A:4 shall file notice in said court, within 30 days immediately following the receipt by the person of the results of any alcohol concentration test administered to such person, requiring the attendance of the person who conducted the breath test, or in the case of any other chemical test, the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the person who conducted the breath test, or in the case of any other chemical test, the certifying scientist at the trial. The official report of the test issued pursuant to RSA 265-A:4 shall be deemed conclusive evidence of the conduct and result of said test.

II. A copy of the preventive maintenance check form filled out by the forensic breath testing supervisor who performed the last preventive maintenance check on the breath testing machine in question prior to the time of the test at issue shall be admissible evidence of the performance and successful completion of such check. Such check shall have been performed according to the schedule required in the rules adopted by the commissioner of the department of safety.

III. The successful completion of the external standard reference check shall be admissible evidence that the instrument was properly calibrated at the time of the test. The external standard reference check shall be performed according to the schedule required in rules adopted by the commissioner of the department of safety pursuant to RSA 541-A.

IV. A copy of the appropriate form filled out and signed by the person who took the sample for the alcohol concentration test in question shall be admissible evidence that the sample was taken by such person at the stated time on the stated date according to the procedures prescribed in the rules adopted by the commissioner of the department of safety pursuant to RSA 265-A:5, V.

V. Any person who is arraigned on a charge arising under RSA 265-A:2, RSA 265-A:3, or RSA 265-A:43 shall file, within 10 days of such person's receipt of the results of any toxicology test administered to such person for the presence of any controlled drug, a notice in said court requiring the attendance of the certifying scientist. Failure to file notice shall be deemed a waiver to require attendance of the certifying scientist at trial. The official report of the test issued pursuant to RSA 265-A:4 shall be deemed conclusive evidence of the conduct of the result of such test.

265-A:13 Incapacity to Give Consent. Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusing shall be deemed not to have withdrawn the consent provided by RSA 265-A:4 and the test or tests may be administered. The provisions of RSA 265-A:8 shall not apply to persons incapable of giving consent as provided for in this section.

265-A:14 Refusal of Consent.

I. If a person under arrest for any violation or misdemeanor under RSA 265 or RSA 215-A refuses upon the request of a law enforcement officer, authorized agent, or peace officer to submit to physical tests or to a test of blood, urine, or breath designated by the law enforcement officer, authorized agent, or peace officer to as provided in RSA 265-A:4, none shall be given, but:

(a) If this is the first refusal with no prior driving or operating while intoxicated or aggravated driving or operating while intoxicated convictions:

(1) The director shall suspend his or her license to drive or nonresident driving privilege for a period of 180 days; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of 180 days after the date of the alleged violation.

(b) If the person has a prior driving or operating while intoxicated or aggravated driving or operating while intoxicated conviction or a prior refusal of consent under this section:

(1) The director shall suspend his or her license to drive or nonresident driving privilege for a period of 2 years; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of 2 years after the date of the alleged violation.

II. The 180-day or 2-year suspension period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provision of this title. Any such suspension or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as provided in RSA 265-A:31.

III. A refusal of consent for both post-arrest physical testing and testing of blood, urine, or breath following any one arrest shall be deemed one refusal for the purposes of this section.

IV. The provisions and penalties of this section, relative to the refusal of consent, shall apply to any person under arrest for any violation or misdemeanor involving the operation of a boat, after a hearing and upon satisfactory proof of the following:

(a) That the authorized agent or peace officer had reasonable grounds to believe the arrested person had been operating, had been attempting to operate, or was in actual physical control of a boat upon the public waters of this state while under the influence of intoxicating liquor or controlled drugs or any combination thereof;

(b) That the person has been arrested;

(c) That the person refused to submit to the test upon request of the authorized agent or peace officer;

(d) That the agent or officer informed the person arrested that his or her refusal to submit to such a test would constitute a violation; and

(e) That the agent or officer informed the arrested person of his or her right to have a similar test or tests conducted by a person of his or her own choosing.

265-A:15 Preliminary Breath Test.

I. Any law enforcement officer, authorized agent, or peace officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving, operating, attempting to operate, or in actual physical control of an OHRV, driving, attempting to drive, or in actual physical control of a vehicle, or operating, attempting to operate, or in actual physical control of a boat upon the public waters of the state while under the influence of intoxicating liquor or controlled drug or while the person's alcohol concentration was 0.08 or more or in the case of a person under the age of 21, 0.02 or more or in the case of a person licensed to operate and operating a commercial vehicle or operating a commercial vessel and licensed pursuant to RSA 270-E:22 at the time of the offense, 0.04 or more may, without making an arrest, request that such person submit to a preliminary breath test for alcohol concentration to be administered by the officer. The results of any test administered under this section may be introduced into evidence in a court for any relevant purpose. Failure to submit to the test shall not constitute a violation of this chapter. Evidence of a failure to submit to a preliminary breath test shall not be admissible in court in any prosecution under this subdivision, except for the purpose of determining whether the officer had probable cause to arrest the person. The provisions of this section shall not limit the introduction of any other competent evidence bearing on the question of whether a person charged with violating RSA 265-A:2, I(a), RSA 265-A:2, II, or RSA 265-A:3 was under the influence of intoxicating liquor or any controlled drug. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The police officer requesting the test shall advise orally the person to be tested that his or her failure to take the test or his or her taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265-A:4. The results of the test shall be furnished immediately to the person tested by the police officer administering the test and in writing, if requested.

II. No device may be used to give a chemical test under the provisions of this section unless it has been approved as to type and make by the department of safety.

III. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A, relative to methods and procedures for evaluation and approval of preliminary breath test devices.

265-A:16 Blood Testing of Certain Motor Vehicle Fatalities. When a collision, boating accident, or OHRV accident results in death or serious bodily injury to any person, all drivers or operators involved, whether living or deceased, and all deceased vehicle, boat, or OHRV occupants and pedestrians involved shall be tested for evidence of alcohol or controlled drugs. A law enforcement officer, authorized agent, or peace officer shall request a licensed physician, registered nurse, certified physician's assistant, or qualified medical technician or medical technologist to withdraw blood from each driver or operator involved if living and from the body of each deceased driver or operator, deceased occupant, or deceased pedestrian, in accordance with RSA 611:6, II, for the purpose of testing for evidence of alcohol content or controlled drugs; provided that in the case of a living driver or operator the officer has probable cause to believe that the driver or operator caused the collision or accident. All tests made under this section shall be conducted by the forensic science laboratory established in RSA 106-B:2-a or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1988, as amended. A copy of the report of any such test shall be kept on file by the medical examiner. The filed report is not a public record under RSA 91-A. However, the report shall be made available to the following:

I. Any highway safety agency for use in compiling statistics to evaluate the effectiveness of its program; and

II. Any person, including his or her legal representative, who is or may be involved in a civil, criminal, or administrative action or proceeding arising out of an accident in connection with which the test was performed.

265-A:17 Arrest Without a Warrant. Notwithstanding any other statutory provision of law to the contrary, a law enforcement officer may, without a warrant, arrest any person involved in a traffic accident, OHRV accident, or boating accident when the officer has probable cause to believe that such person has committed an offense, an element of which is driving under the influence of intoxicating liquors, controlled drugs or both. Notwithstanding any statutory provision of law to the contrary, a law enforcement officer may make such an arrest in such officer's own jurisdiction or on the property of any medical facility in another jurisdiction in this state where the person or others are taken for treatment for injuries suffered in such traffic accident.

265-A:18 Penalties for Intoxication or Under Influence of Drugs Offenses.

1. Except as otherwise provided in this section:

(a) Any person who is convicted of any offense under RSA 265-A:2, I shall be:

(1) Guilty of a class B misdemeanor;

(2) Fined not less than \$500;

(3) Required to furnish proof of successful completion of an impaired driver intervention program prior to the restoration of the person's driver's license or privilege to drive, provided that, if the person has previously completed, or been required by a court or the department of safety to complete, an impaired driver intervention program (I.D.I.P.) or any similar program in any jurisdiction, the person shall be required to furnish proof of successful completion of the multiple DWI offender intervention detention center program (M.O.P.) or an equivalent 7-day residential intervention program approved by the commissioner of health and human services;

(4) The person's driver's license or privilege to drive shall be revoked for not less than 9 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. The court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) within 45 days after conviction, or as soon thereafter as any extenuating circumstances approved by the department of health and human services allow;

(5) The sentencing court may sentence the person to additional alcohol and/or drug treatment and counseling, or to a treatment program approved by the commissioner of health and human services, or both. In addition, the court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate; and

(6) The court in which the person was convicted may reduce the conviction to a violation upon a motion filed by either party at least one year after the date of the conviction. In deciding whether to reduce the conviction to a violation, the court may consider the person's subsequent driving record, any evidence of drug or alcohol treatment, the hardship that having a criminal record may cause for the person, and any other factors that the court deems relevant.

(b) Any person who is convicted of any aggravated DWI offense under RSA 265-A:3, except as provided in subparagraph (c), shall be:

(1) Guilty of a class A misdemeanor;

(2) Fined not less than \$750;

(3) Sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the state-operated 7-day multiple DWI offender intervention detention center has no available space, the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention detention center or equivalent program within 60 days after the person has completed serving the required 7 consecutive 24-hour periods or such other time as the court may order;

(4) The person's driver's license or privilege to drive shall be revoked for not less than 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) as soon as any circumstances approved by the department of health and human services allow;

(5) The sentencing court may sentence the person to additional alcohol and/or drug treatment and counseling, or to a treatment program approved by the commissioner of health and human services, or both. In addition, the court may require the person to submit to random urinalysis or such other test as the court may deem appropriate; and

(6) A person who leaves the relevant driver intervention program required by subparagraph IV(a)(3) before completion and fails to return and complete it as soon as extenuating circumstances approved by the department of health and human services allow or who fails to begin following treatment recommendations within the time required by subparagraph IV(a)(3) shall be in contempt of court and shall serve a minimum of 14 days in the county correctional facility.

(c) Any person who is convicted of aggravated DWI under RSA 265-A:3, I(b) or II(b), shall be:

(1) Guilty of a class B felony;

(2) Fined not less than \$1,000;

(3) Sentenced to a mandatory sentence of not less than 21 consecutive days of which 14 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive 24-hour periods served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the state-operated 7-day multiple DWI offender intervention detention center has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services, and the remainder of the sentence may be deferred at the court's discretion. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention detention center or equivalent program within 60 days after the person has completed serving the required 7 consecutive 24-hour periods or such other time as the court may order. The court may, at the satisfactory completion of any ordered treatment, suspend any remaining deferred sentence. Failure to successfully complete any court-ordered intervention program or recommended treatment shall result in the imposition of any remaining deferred sentence; and

(4) The person's driver's license or privilege to drive shall be revoked for not less than 18 months and, at the discretion of the court, such revocation may be extended for a period not to exceed 2 years. Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that the person has entered into the relevant driver intervention program required by subparagraph (3) as soon as any extenuating circumstances approved by the department of health and human services allow.

II. Any person convicted of a violation of RSA 265-A:19, II shall be subject to the penalties set out in this section for a violation of RSA 265-A:3. Any person convicted of a violation of any other provision in RSA 265-A:19 or a violation of RSA 265-A:2, II shall be subject to the penalties set out in this section for a violation of RSA 265-A:2, I.

III. Any person who is convicted of an offense under RSA 265-A:2, I, RSA 265-A:3, or RSA 630:3, II and the offense occurred while the person was under the age of 21 shall be sentenced according to the provisions of this section, except that in all cases the person's driver's license or privilege to drive shall be revoked for not less than one year.

IV. Upon conviction of any offense under RSA 265-A:2, I or RSA 265-A:3, based on a complaint which alleged that the person has had one or more prior convictions under RSA 265-A:2, I or RSA 265-A:3, or RSA 630:3, II, or under reasonably equivalent offenses in an out-of-state jurisdiction, within 10 years preceding the date of the second or subsequent offense, the person shall be subject to the following penalties in addition to those provided in paragraph I:

(a) For a second offense:

(1) The person shall be guilty of a class A misdemeanor.

(2) The person shall be fined not less than \$750.

(3)(A) If the complaint alleges that the prior conviction occurred within 2 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 37 consecutive days of which 30 consecutive 24-hour periods shall be served in the county correctional facility followed by 7 consecutive 24-hour periods to be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 265-A:40 within 21 days after conviction, except that in circumstances where the state-operated 7-day multiple DWI offender intervention detention center has no available space the person shall

be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention detention center or equivalent program within 60 days after the person has completed serving the required 30 consecutive 24-hour periods or such other time as the court may order.

(B) If the complaint alleges that the prior conviction occurred more than 2 but not more than 10 years preceding the date of the second offense, the person shall be sentenced to a mandatory sentence of not less than 10 consecutive days of which 3 consecutive 24-hour periods shall be served in the county correctional facility and 7 consecutive 24-hour periods shall be served at the state-operated 7-day multiple DWI offender intervention detention center established under RSA 265-A:40, which sentence shall begin no later than 21 days after conviction. In the event that the state-operated 7-day multiple DWI offender intervention detention center has no available space the person shall be assigned to an equivalent 7-day residential intervention program approved by the commissioner of health and human services. The person shall begin following any treatment recommendations arising out of the final evaluation given to the person at the multiple DWI offender intervention detention center or equivalent program within 60 days after the person has completed serving the required 7 consecutive 24-hour periods or such other time as the court may order.

(4) The person's driver's license or privilege to drive shall be revoked for not less than 3 years.

(5) The person shall pay a fee to the commissioner, as established under RSA 126A:43, for the costs of the state-operated 7-day multiple DWI offender intervention detention center program prior to license restoration. If the person attends an approved equivalent 7-day residential intervention program, the fees and costs shall be paid to the program.

(6) A person who leaves the program before completion and fails to return and complete it as soon thereafter as extenuating circumstances approved by the department of health and human services allow, or who fails to begin following treatment recommendations within the time required by subparagraph IV(a)(3) shall be in contempt of court and shall serve a minimum of 30 days in the county correctional facility.

(7) The sentencing court may sentence the person to additional alcohol and/or drug treatment and counseling, or to a treatment program approved by the commissioner of health and human services, or both. In addition, the court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate.

(b) For a third offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraph (a) except that:

(1) The person's driver's license or privilege to drive shall be revoked indefinitely and shall not be restored for at least 5 years. At the end of the 5-year minimum revocation period the person may petition the court for eligibility to reapply for a driver's license and the court, for good cause shown, may grant such eligibility subject to such terms and conditions as the court may prescribe. Any untimely petition under this subparagraph shall be dismissed without a hearing. If such petition is granted and the person is otherwise eligible for license restoration, the person may then apply to the director for restoration of driver's license, but the license shall not be restored until the provisions of RSA 263:65-a and all other requirements under law are met.

(2) The person shall be sentenced to a mandatory sentence of not less than 180 consecutive days of which 30 consecutive 24-hour periods shall be served in the county correctional facility following which the person shall complete at the person's own expense a residential treatment program of at least 28 days duration or an intensive course of substance abuse treatment based upon a formal evaluation by a licensed alcohol and other drug counselor and approved by the department of health and human services before the driver's license may be restored. The remainder of the sentence may be deferred for a period of up to 2 years. The court may, at the satisfactory completion of any ordered treatment, suspend any remaining deferred sentence. Failure to successfully complete any court-ordered intervention program or recommended treatment shall result in the imposition of any remaining deferred sentence.

(3) The sentencing court may sentence the person to additional alcohol and/or drug treatment and counseling or to a treatment program approved by the commissioner of health and human services, or both. In addition, the court may require the person to submit to random urinalysis or such other tests as the court may deem appropriate.

(c) For a fourth or subsequent offense, any person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person shall be guilty of a felony, and the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 7 years.

(d) For a third or subsequent offense when any prior offense under this paragraph is negligent homicide under RSA 630:3, II, or reasonably equivalent offense in an out-of-state jurisdiction, the person convicted under this paragraph shall be subject to all the penalties of subparagraphs (a) and (b) except that the person's driver's license or privilege to drive shall be revoked indefinitely and the person shall not petition for eligibility to reapply for a driver's license as provided in subparagraph (b)(1) for at least 10 years.

V. Voluntary completion of an impaired driver intervention program, or an appropriate equivalent, and commencement of treatment recommended by the program may be considered by a court when determining a sentence under this section.

VI. If any person is convicted of a violation of RSA 265-A:2, I or RSA 265-A:3, and the conviction is not based upon a complaint which alleges prior convictions as provided in paragraph IV, but the person is found to have had one or more such prior convictions in this state or in an outofstate jurisdiction within 10 years preceding the date of the offense, the person's driver's license or privilege to drive shall be revoked for not less than one year nor more than 3 years. Except for good cause found by the court and noted in writing, the court may suspend up to 6 months of this sentence, provided that within 45 days after conviction the person has entered the 7-day program at the state-operated multiple DWI offender intervention detention center program or an equivalent 7day residential intervention program approved by the commissioner of health and human services, as provided in RSA 265-A:40 and RSA 265-A:42. The person's license shall not be restored until the person has successfully completed the program. The court may further order attendance at a residential treatment center, for a period not to exceed 30 days, at the person's own expense.

VII. For the purposes of this section:

(a) "Revocation" or "revoked" means revocation as defined in RSA 259:90 and also includes, if the person is a nonresident, the revocation of the person's privilege as an out-of-state driver to drive on any ways of this state.

(b) "Out-of-state jurisdiction" includes any governmental entity that issues driver's licenses that are valid for operating a motor vehicle on the ways of this state as provided in RSA 263:37, and that has laws relating to driving while intoxicated that are reasonably equivalent to the laws of this state.

(c) "Successful completion" means meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the I.D.I.P. or the M.O.P. or its equivalent; provided, however, that the offender shall have the right to a hearing before the commissioner or designee, who shall determine whether the further counseling requirements arising out of the final evaluation are warranted and appropriate, and whether the offender should be eligible for license restoration. The definition in this subparagraph shall also apply to RSA 265-A:42.

(d) A person shall be presumed to have furnished proof of successful completion of an impaired driver intervention program if the person furnishes a report indicating that he or she has completed attendance at the I.D.I.P., the M.O.P., or an equivalent program, and that he or she has paid all assessed program fees. The presumption may be overcome by a hearing requested by the department, or the I.D.I.P., the M.O.P., or an equivalent program, with notice to and an opportunity to be heard by the person, where the department and/or the I.D.I.P., the M.O.P., or an equivalent program shall have the burden of proving that the person has not successfully completed an impaired driver intervention program.

(e) The I.D.I.P., the M.O.P., or an equivalent program shall inform the department of safety in writing of any further treatment it deems necessary in order to be considered a completed program before a license suspension should be restored. The department of safety shall notify the licensee of his or her ability to request a hearing to dispute the findings and the licensee shall inform the department of safety if the licensee requests a hearing within 20 days of receipt of such notice. At such hearing the I.D.I.P., the M.O.P., or an equivalent program shall have the burden of proving the person has not successfully completed an impaired driver intervention program. The I.D.I.P., the M.O.P., or an equivalent program shall inform the department of safety in writing within 5 days after the end of the program attended by the licensee.

VIII. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation and no portion of any fine imposed under this section shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this section shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by RSA title LXII or any other provision of law.

IX. Upon conviction under the provisions of RSA 265-A:2, I or RSA 265-A:3, the prosecutor shall present to the court a certified copy of the defendant's record of convictions of motor vehicle offenses under RSA title XXI and reasonably equivalent offenses in out-of-state jurisdictions which are on record at the New Hampshire division of motor vehicles or known to the prosecutor, or a signed statement that the defendant has no such prior convictions within the preceding 7 years. Prior to sentencing the court shall note on the complaint the number of prior convictions for drug or alcohol-related motor vehicle offenses, or the absence of any such prior convictions, as shown on such report or statement.

X. Any conviction under RSA 265-A:2, I or RSA 265-A:3 shall be reported to the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

XI. Any person convicted of a violation of RSA 265-A:2, RSA 265-A:3, or RSA 265-A:19, II, and who at the time of driving or attempting to drive a vehicle or off highway recreational vehicle or operating or attempting to operate a boat was transporting a person under the age of 16, shall have the driver's license or privilege to drive revoked for the maximum time period under the section violated and the person's license or privilege to drive shall not be restored until the offender has successfully completed a 7-day program at the state-operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the commissioner at the person's own expense.

265-A:19 Penalties for Boating While Intoxicated.

I. Any person convicted of a violation of RSA 265-A:2, II or RSA 630:2 or RSA 630:3, or RSA 631:1, RSA 631:2, RSA 631:2-a, or RSA 631:3 when the offense was committed by means of his or her operation or attempted operation of a boat shall not operate a boat on the waters of this state for a period of one year from the date of his or her conviction, whether or not such conviction is appealed. Any person operating or attempting to operate a boat during such a period is guilty of a misdemeanor.

II. Any person convicted of a violation of RSA 265-A:2, II who at the time of the violation was transporting a person under the age of 16 shall not operate a boat on the waters of this state until the offender has successfully completed a 7-day program at the state operated multiple DWI offender program or an equivalent 7-day residential intervention program approved by the department of health and human services at the person's own expense. Any person operating a boat in violation of this paragraph is guilty of a misdemeanor.

III. Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

IV. Any person who is convicted of a violation of RSA 265-A:2, II shall be subject to the same penalties as a person convicted of a violation of RSA 265-A:2, I as specified in RSA 265-A:18. Any person who is convicted of a violation of paragraph II of this section shall be subject to the same penalties as a person convicted of a violation of RSA 265-A:3 as specified in RSA 265-A:18.

V. Notwithstanding the provisions of title LXII and in addition to any other penalty imposed under this section, any person who operates a boat in violation of this subdivision shall be fined not more than \$500.

265-A:20 Loss of Motorboat Privileges. Any person who is convicted of a violation of RSA 265-A:2, II involving a motor vehicle shall lose the privilege to operate a motorboat on the waters of this state for a period of one year from the date of conviction.

265-A:21 Annulment; Plea Bargaining.

I. Notwithstanding the provisions of RSA 651:5, no court shall order an annulment of any record of conviction of driving or attempting to drive a vehicle upon any way or driving, operating, attempting to operate, or being in actual physical control of an OHRV or operating or attempt-

ing to operate a boat on the waters of this state while under the influence of intoxicating liquor or any controlled drug or while having an alcohol concentration of 0.08 or more or of aggravated drunken driving until 10 years after the date of conviction. Any record thus annulled shall be retained in a permanent file, to be opened only for purposes of sentencing in the case of an offense under RSA 265-A:3.

II. Notwithstanding any other provision of law to the contrary, in any case in which a person is arrested for and charged with the offense of driving or attempting to drive a vehicle on any way or driving, operating, attempting to operate, or being in actual physical control of an OHRV or operating or attempting to operate a boat while under the influence of intoxicating liquor or drugs or while having an alcohol concentration of 0.08 or more and that charge is reduced from a second or subsequent offense to a first offense or in which the original charge is reduced to or in any manner substituted with another charge or a nolle prosequi entered in exchange for an agreement to plead guilty or nolo contendere to another charge, the prosecutor shall submit to the attorney general a written report describing such agreement. All such written reports shall be submitted to the attorney general on a monthly basis. The report shall contain such information as the attorney general shall prescribe; provided, however, that the attorney general shall not be subject to the provisions of RSA 541-A in prescribing such information. The report required by this paragraph shall be a public record and shall be available for public inspection as provided in RSA 91-A:4.

III. Notwithstanding any other provision of law to the contrary, if a person is arrested for driving or attempting to drive a motor vehicle upon any way or driving, operating, attempting to operate, or being in actual physical control of an OHRV or operating or attempting to operate a boat while under the influence of intoxicating liquor or drugs or while having an alcohol concentration of 0.08 or more, no prosecutor shall enter into any agreement with such person or such person's attorney if such agreement would result in a charge that removed the case from consideration under any provision of RSA 259-RSA 266. The provisions of this paragraph, however, shall not prevent the bringing of any charge under RSA 630:2 or RSA 630:3.

265-A:22 Payment of all Obligations Prior to Restoration or Renewal. The director of motor vehicles shall not restore or renew a person's license or privilege to drive, if it was revoked pursuant to RSA 265-A:2; RSA 265-A:3; RSA 265-A:35; RSA 265-A:43; RSA 630:2; or RSA 630:3, or if the revocation was connected with an alcohol-related or drug-related offense, until all obligations of such person resulting from the arrest and conviction for the offense are met. For the purposes of this section, the word "obligations" shall mean fines and penalty assessments, court-ordered restitution or reimbursement to any person injured as a result of the offense, successful completion of all treatment and rehabilitation programs the person is required to take, full payment of all fees for such programs, and any other costs which may be ordered by the court. The word "obligations" shall not mean completion of probation or parole or completion of a condition of probation or parole. In any case where the court orders periodic payment of fines, penalty assessments, restitution, or reimbursement, the obligations of such periods shall be deemed to have been met if such person is current in all such court-ordered payments.

265-A:23 Commercial Licensing; Penalties; Driving Under the Influence. Any person who drives a commercial motor vehicle with or without a valid commercial driver license and commits one of the following offenses shall be punished as follows:

I. The commissioner shall suspend for at least one year, the commercial driver license of a person who is found to have committed a first violation of driving a commercial motor vehicle under the influence of alcohol or with an alcohol concentration of 0.04 or greater, or other controlled substances, notwithstanding RSA 265-A:11, I;

II. If the driver commits a violation of paragraph I while carrying hazardous materials, the suspension shall be for a period of 3 years.

III. The commissioner shall suspend for life, or a period of not less than 10 years, according to federal Department of Transportation regulations, the commercial driver license of a person who is found to have committed a second violation of driving a commercial motor vehicle under the influence of alcohol or with an alcohol concentration of 0.04 or greater, or other controlled substance, notwithstanding RSA 265-A:11, I.

265-A:24 Commercial Drivers Prohibited From Driving with any Alcohol in Their Systems.

I. Notwithstanding any other provision of law, a person shall not drive a commercial motor vehicle while having alcohol in his or her system.

II. A person who drives a commercial motor vehicle while having alcohol in his or her system, or who refuses to take a test to determine his alcohol concentration, shall be placed out of service for 24 hours.

265-A:25 Implied Consent Requirements for Commercial Motor Vehicle Drivers.

I. Any person who drives a commercial motor vehicle upon the ways of New Hampshire shall be deemed to have given consent, subject to the provisions of RSA 265-A:4, to a test or tests of any or all or any combination of the following: blood, breath, or urine, for the purpose of determining that person's alcohol concentration, or the presence of other drugs.

II. A test or tests may be administered at the direction of a law enforcement officer who, after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that the driver was driving a commercial motor vehicle while having alcohol in his system.

III.(a) Upon the first refusal of any person to submit to a test or tests as administered by a law enforcement officer for the purposes of determining the person's alcohol concentration or the presence of other drugs, the director shall revoke his or her commercial license for a period of not less than one year.

(b) If the person has a prior refusal under subparagraph III(a) then, upon the second or subsequent refusal of such person to submit to a test or tests as administered by a law enforcement officer for the purposes of determining the person's alcohol concentration or the presence of other drugs, the director shall revoke his or her commercial license for a period of not less than 10 years.

IV. If the person refuses testing, or submits to a test which discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to paragraph I and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more.

V. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph IV, the department shall disqualify the driver from driving a commercial motor vehicle under RSA 265-A:23.

VI. The driver shall have the opportunity for a hearing and appeal as provided in RSA 265A:31 and RSA 265-A:34.

265-A:26 Revocation of License for Driving While Intoxicated and Appeal.

I. Upon a conviction of a violation of RSA 265-A:2 or RSA 265-A:3, the court shall report to the department and shall immediately revoke the license or driving privilege of the person so convicted, or the right of a nonresident so convicted to drive within the state of New Hampshire; and said court in the case of holders of New Hampshire licenses shall return such license with its findings marked thereon, together with the court return, to the department; and the department may revoke the license of any person who shall be convicted of a similar offense by a court of any other state in a criminal proceeding, or who shall be found to have committed a similar act by a court of any other state in a civil proceeding.

II. Whenever any person convicted of a violation of RSA 265-A:2 or RSA 265-A:3 appeals, the district court shall forthwith revoke the license or driving privilege of such person and, in case of a holder of a New Hampshire license, shall return such license together with the court return to the department which shall not reissue any license until the period of revocation determined by the court has elapsed.

265-A:27 Not Guilty Finding; Return of License. Any person whose license was revoked under the provisions of RSA 265-A:26 who appeals and is not found guilty shall have any previously held license returned. No additional fee requirements shall be imposed in connection with such license restoration.

265-A:28 License Restored Upon Proof of Financial Responsibility. Notwithstanding the provisions of RSA 263:71, the director shall not restore a license or driving privilege to a person whose license or driving privileges have been revoked pursuant to RSA 265-A:18 until such person has furnished proof of financial responsibility as required by other provisions of the law.

265-A:29 Revocation of Nonresident Privilege. When it has been finally determined under the procedures of this subdivision that a nonresident's privilege to drive a motor vehicle in this state has been revoked, the department shall give information in writing or by electronic means of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

265-A:30 Administrative License Suspension.

I. If any person refuses a test as provided in RSA 265-A:14 or submits to a test described in RSA 265-A:4 which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21 at the time of the violation, 0.02 or more, the law enforcement officer shall submit a sworn report to the department. In the report the officer shall certify that the test was requested pursuant to RSA 265A:4 and that the person refused to submit to testing or submitted to a test which disclosed an alcohol concentration of 0.08 or more, or, in the case of a person under the age of 21, 0.02 or more.

II. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph I, the department shall suspend the person's driver's license or privilege to drive as follows:

(a) In the case of a refusal to take a test described in RSA 265-A:4, the suspension shall be for the period specified in RSA 265-A:14.

(b) In the case of a person who submits to a test described in RSA 265-A:4 which discloses an alcohol concentration of 0.08 or more or, in the case of a person under the age of 21 at the time of the violation, 0.02 or more, the suspension shall be for:

(1) Six months if there is no prior refusal under RSA 265-A:14, no prior driving while intoxicated or aggravated driving while intoxicated convictions, and no prior administrative license suspension pursuant to RSA 265-A:30.

(2) Two years if there is a prior refusal under RSA 265-A:14, or a prior driving while intoxicated or aggravated driving while intoxicated conviction, or a prior administrative suspension pursuant to RSA 265-A:30.

III. On behalf of the department, the law enforcement officer submitting the sworn report under paragraph I shall serve immediate notice of suspension on the person, and the suspension shall be effective 30 days after the date of service. If the person has a valid New Hampshire driver's license, an officer shall take the driver's license of the person, and issue a temporary license valid for the notice period. The officer shall send the license to the department along with the sworn report under paragraph I.

IV. If the person submits to a test described in RSA 265-A:4 and the results of the test are not immediately available and therefore no notice has been served by the law enforcement officer, the department shall mail such notice and the suspension shall be effective 30 days after the date of service. If the address shown in the law enforcement officer's report differs from that shown on the department records, the notice shall be mailed to both addresses. The notice shall be presumed to have been served 3 days after mailing. Upon receipt of the notice of suspension and before requesting any review or hearing under RSA 265-A:31, if the person has a New Hampshire driver's license that has not been surrendered, the person shall surrender such person's license at a place designated by the department and shall be issued a temporary driving permit valid for the notice period.

V. In the case of a person who has a driver's license from another jurisdiction, all provisions of this subdivision shall apply except that surrender of the out-of-state driver's license and issuance of a temporary driving permit shall not be required. The department shall transmit a copy of the suspension order to the motor vehicle authorities in the jurisdiction where the person's license was issued, and also in the jurisdiction of the person's residence if different from that where the license was issued.

265-A:31 Administrative Review and Hearings.

1.(a) Any person whose license is suspended or revoked under this subdivision may request either an administrative review or a hearing. The request shall be in writing and shall state the grounds upon which the person seeks to have the order of suspension or revocation rescinded, which grounds shall be limited to those provided in paragraph II. The filing of the request shall not stay the suspension or revocation. A request for either administrative review or hearing received by the department after 30 days from the date the notice is issued shall be denied as untimely.

(b) If the request is for an administrative review, the request may be accompanied by any statement or other evidence which the person wants the department to consider. Upon receiving the request the department shall review the order, the evidence upon which it is based, including whether the person was driving or in actual physical control of a motor vehicle, and any other information brought to the attention of the department, and shall determine whether sufficient cause exists to sustain the order.

(c) If the request is for a hearing, the request shall also indicate whether or not the person desires to have the law enforcement officer present. The hearing shall be held within 20 days after

the filing of the request unless the person requests a continuance. A request for a continuance by the person shall not stay the order of suspension or revocation. The hearing shall be recorded, and be conducted by the department's designated agent. The hearing may be conducted upon a review of the law enforcement officer's report if there is no request to have the officer present. If there is a request that the law enforcement officer be present at the hearing and the officer fails to appear without good cause shown, the case shall be dismissed and the order rescinded. If the person requesting the hearing fails to appear without good cause shown, the right to a hearing shall be waived and the order sustained.

II. The scope of the administrative review or hearing shall be limited to the issues of:

(a) Whether the officer had reasonable grounds to believe the arrested person had been driving, attempting to drive, or was in actual physical control of a vehicle upon the ways of this state or operating or attempting to operate a boat on the waters of this state or was driving, operating, attempting to operate, or in actual physical control of an OHRV while under the influence of intoxicating liquor, narcotics, or drugs;

(b) The facts upon which the reasonable grounds to believe such are based;

(c) Whether the person had been arrested;

(d) Whether the person has refused to submit to the test upon the request of the law enforcement officer or whether a properly administered test or tests disclosed an alcohol concentration of 0.08 or more, or, in the case of a person under 21 years of age, 0.02 or more;

(e) Whether the officer informed the arrested person of his or her right to have a similar test or tests conducted by a person of his or her own choosing; and

(f) Whether the officer informed the arrested person of the fact that refusal to permit the test would result in suspension of his or her license or driving privilege and that testing above the alcohol concentration level specified in RSA 265-A:2 or RSA 265-A:3 would also result in suspension.

III. In the case of either an administrative review or a hearing, the hearing examiner shall issue his or her recommendation on the order of suspension or revocation within 15 days of the request for administrative review or the hearing date. The recommendation shall be in writing and a copy shall be provided to the parties. The recommendation shall be final unless a review or appeal is filed under RSA 265-A:33 or RSA 265-A:34.

265-A:32 Period of License Suspension. Where a license or driving privilege has been suspended under RSA 265-A:30 and the person is also convicted on criminal charges arising out of the same event both the suspension and the court-ordered revocation shall be imposed but the total period of suspension and revocation shall not exceed the longer of the 2 periods; provided, however, that any suspension for refusing to submit to a test under the provisions of RSA 265-A:14 shall not run concurrently with any other penalty imposed under the provisions of this title.

265-A:33 Review. Within 10 days following the examiner's ruling, a person whose license has been suspended or revoked, or the law enforcement officer, may petition the director for a review of the ruling. The filing of the petition shall not stay a suspension or revocation of the person's driver's license or privilege to drive if imposed, or the restoration of the person's driver's license or privilege to drive. The review shall determine whether the ruling is erroneous as a matter of law or cannot be sustained by the facts as presented at the hearing. After a review of the ruling, the director shall issue within 10 days a finding either affirming the ruling or granting a new hearing. Any grant of a new hearing shall be accompanied by a written explanation setting forth the specific error of law or the reason why the ruling cannot be sustained by the facts.

265-A:34 Appeal; Administrative License Suspension.

I. Any person aggrieved by a decision of the department under this subdivision, after the administrative hearing or review, may appeal the decision as provided in this section. The court shall have the full authority to determine whether any license suspension or revocation should be stayed during the pendency of the appeal.

II. If the suspension is sustained after a hearing as provided in RSA 265-A:31, a person shall have the right to file a petition in the superior court in the county in which he or she was arrested to review the final order by the director or the director's authorized agent within 30 days of the date of the final order. Jurisdiction to hear such appeals is vested in the superior court.

III. At the earliest practical time, the court shall review the record as developed before the director or authorized agent, together with any written legal argument presented to the court. Based on that review, the court may affirm or reverse the decision of the director or agent or order that oral argument be held. As justice may require, the court may remand the case to the director or

authorized agent for further findings or rulings. In no event shall the oral argument be held less than 14 days after notice has been provided to the director. The petition for appeal shall set forth all the grounds upon which the final order is sought to be overturned. Issues not raised by the appellant before the director or agent shall not be raised before the superior court. The burden of proof shall be upon the appellant to show that the decision of the director or agent was clearly unreasonable or unlawful, and all findings of the director or agent upon all questions of fact properly before him or her shall be deemed to be prima facie lawful and reasonable. The order or decision appealed from shall not be set aside or vacated except for errors of law, unless the court is satisfied, by a clear preponderance of the evidence before it, that the order is unjust or unreasonable.

IV. No new or additional evidence shall be introduced in the superior court, but the case shall be determined upon the record and evidence transferred, except that in any case, if it shall be necessary in order that no party shall be deprived of any constitutional right, or if the court shall be of the opinion that justice requires the reception of evidence of facts which have occurred since the hearing, or which by reason of accident, mistake, or misfortune could not have been offered before the director or authorized agent, it shall remand the case to the director or authorized agent to receive and consider such additional evidence.

265-A:35 Probationary Licenses.

I. Any person who shall apply for reissuance of his or her driver's license following revocation or suspension for an offense under RSA 265:79, RSA 265-A:2, RSA 265-A:3, or RSA 265-A:43 for an offense involving a vehicle is an "at risk" driver and his or her driver's license shall be probationary for at least 5 years following the date of reissuance.

II. No holder of a probationary license shall drive or attempt to drive a vehicle upon any way when he or she is under the influence of intoxicating liquor or any controlled drug or any combination of intoxicating liquor and controlled drugs, so that the alcohol concentration is 0.03 or more. Driving with an alcohol concentration of 0.03 or more is a per se violation of a probationary license and subjects the probationary license holder to administrative suspension of his or her driver's license for not less than 90 days and not more than 180 days. Such administrative suspension shall be in addition to any court imposed suspension or revocation periods.

III. Any probationary license holder whom the police have reasonable cause to believe is driving with an alcohol concentration of 0.03 or more and who refuses to submit to a test for alcohol concentration shall have his or her driver's license administratively suspended for a period of 90 days.

Alcohol Ignition Interlock Program

265-A:36 Alcohol Ignition Interlock Program Established.

I. Any person whose license or permission to drive has been revoked or suspended for an aggravated DWI offense under RSA 265-A:18, I(b), I(c), or a subsequent DWI offense under RSA 265A:18, IV may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, for not less than 6 months nor more than 2 years. Installation and monitoring costs shall be paid by the offender. A certificate proving installation of the device shall be provided to the division of motor vehicles as a condition precedent to reinstatement of the individual's license to drive, and the division may mark the person's license accordingly.

I-a. Any person who is convicted of driving while under suspension or revocation resulting from a DWI offense shall be required by the court to install an ignition interlock device in any vehicle registered to that person or used by that person on a regular basis, for the remaining period of suspension or revocation plus an additional period not less than 6 months nor more than 2 years. The court may order such installation on a temporary basis prior to conviction as a condition of bail.

I-b. To the extent that technology does not exist to permit the installation or safe operation of any particular vehicle type when equipped with an interlock, the court may order that a restraining device which disables the vehicle be placed on any such vehicle registered to or used on a regular basis by a person required to install an ignition interlock device.

II. Nothing in this section shall prohibit a court of competent jurisdiction from requiring the installation of an ignition interlock device for any person convicted of a violation of RSA 265-A:2 involving a vehicle, where the conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265-A:18, IV, but the person is found to have had one or more such prior convictions in this state or in an out-of-state jurisdiction.

III. Any person under the age of 21 whose license or permission to drive has been revoked or suspended under RSA 265-A:18 may be required by the court after the period of revocation or suspension to install an ignition interlock device as defined in RSA 259:43-a in any vehicle registered to that person or used by that person on a regular basis, until the age of 21 or for not less than 12 months, whichever is longer.

IV. An ignition interlock device may not be sold or distributed in this state without the device being approved by the commissioner or the department of safety.

V. The department of safety shall establish rules, pursuant to RSA 541-A, for the approval of ignition interlock devices and for the licensing of approved interlock service providers.

VI. The commissioner shall adopt rules and regulations to create an ignition interlock program that will control the delivery of interlock service in this state under this subdivision. The rules adopted for the licensing of approved interlock service providers shall require that each provider, at a minimum:

(a) Provide recalibration of each device within 30 days of installation and every 60 days thereafter, unless otherwise ordered by the court;

(b) Maintain at least that number of locations across the state for the installation, service, calibration, and monitoring of an ignition interlock device as might be required from time to time by the program operating protocol developed by the commissioner;

(c) Provide periodic reports as determined by the court or in department rules, to the probation office and treatment provider, if applicable; if the offender is not placed on probation, to the arresting agency and the court of jurisdiction;

(d) Retain all data-logger records for 12 months after the end of the period to which the offender is sentenced;

(e) Provide installation and service to those offenders determined by the court to be unable to pay the full cost of an interlock program by reserving for this purpose a hardship credit equal to 2 percent of the service provider's gross receipts, excluding the purchase or rental cost of the interlock device, which credit and free service shall be reported annually to the department; and

(f) Provide a certificate of installation to the vehicle's owner upon installation of the device in a form to be determined by the department's interlock rules.

265-A:37 Alcohol Ignition Interlock Circumvention.

I. Any person required by the court to install an ignition interlock device shall not drive any motor vehicle not equipped with this device.

II. A person shall not tamper with, or in any way attempt to circumvent the operation of an ignition interlock device that has been installed in a motor vehicle.

III. A person shall not start or attempt to start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person who is restricted by law to drive only a motor vehicle so equipped. The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle equipped with an ignition interlock device, is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the court order does not drive the vehicle.

IV. A person shall not knowingly provide a motor vehicle not equipped with a functioning ignition interlock device to another person whom the provider of the vehicle knows was sentenced to drive only a motor vehicle equipped with an ignition interlock device.

V. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

265-A:38 Violating Court Order.

I. Upon written notice, by affidavit, that any person has violated an order of the court with regard to the installation of an ignition interlock device after the period of revocation or suspension imposed in RSA 265-A:18, 265:79, or 630:3, a hearing shall be scheduled within 14 business days of the notice. Pending the hearing and upon a finding of probable cause that a violation has occurred based upon the affidavit, the court shall immediately suspend the defendant's privilege to drive a motor vehicle. After the hearing and upon a finding of violation by a preponderance of the evidence, the privilege to drive shall not be restored until the court is satisfied that the person is in compliance with its order.

II. If it is found that a person required to drive a motor vehicle equipped with an ignition interlock device has failed to comply with any requirement for the maintenance or calibration of the device, or shows a consistent pattern of failures to pass the breath test provided by the device, the court may order a hearing to determine if the person should be held in contempt of court. Upon

a finding of contempt, the court may sentence the defendant to up to 6 months in a county department of corrections facility, may make such other orders as necessary to bring about compliance, and may order a further license suspension or revocation for a period of not more than 12 months. The period of suspension or revocation under this section shall be added to any previously ordered suspension or revocation.

Impaired Driver Intervention Programs

265-A:39 Impaired Driver Intervention Programs.

I. Except as provided in paragraph IV, the commissioner of the department of health and human services shall be responsible for biennially approving the impaired driver intervention programs and 7-day residential intervention programs equivalent to the multiple DWI offender intervention detention center program (M.O.P.) which persons convicted under RSA 265-A:2 or RSA 265A:3 shall attend in order to regain their driver's licenses or driving privileges; but the commissioner of the department of health and human services shall not approve any impaired driver intervention program unless such program is conducted without cost to the state. Notwithstanding RSA 6:12, any fees collected under subparagraph V(c) of this section shall be placed in a nonlapsing revolving account and shall be used by the commissioner for the purposes of this subdivision only.

II. Notwithstanding any other law to the contrary, the impaired driver intervention programs operated by the department of corrections shall be deemed approved programs for purposes of the attendance required at such programs for restoration of driver's licenses or driving privileges under RSA 265-A:42.

III. An impaired driver intervention program shall consist, at a minimum, of 20 hours of standardized educational curriculum and an exit interview.

IV. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the impaired driver intervention programs and those programs equivalent to the M.O.P. as required in RSA 265-A:18 and RSA 265-A:42 with respect to:

- (a) Procedures and forms to be followed in order for drivers who have completed such programs to regain their licenses or driving privileges.
- (b) Place of business and areas of the state in which approved programs may operate.
- (c) Records and reports.
- (d) Schedule of fees and charges.
- (e) Such other matters as the commissioner of the department of health and human services and the commissioner of safety may prescribe for the protection of the public.

V. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the operation of impaired driver intervention programs with respect to:

- (a) Course content and standards of instruction.
- (b) Certification and recertification of instructors.
- (c) A per client fee to be paid by program providers sufficient to cover the costs of monitoring course content, establishing and maintaining standards of instruction, data collection, and administrative support.
- (d) Any other matter related to the proper administration of this section.

265-A:40 Multiple DWI Offender Intervention Detention Center Program.

I. The commissioner of the department of health and human services shall be responsible for administration and operation of the 7-day multiple DWI offender intervention detention center program which persons convicted under RSA 265-A:2 or RSA 265-A:3 or sentenced pursuant to RSA 651:2, V(h) may be required to attend.

II. Any person who attends the 7-day multiple DWI offender intervention detention center program shall be required to pay the fees for confinement and intervention costs, except that prior payment shall not be required of any person. The fees shall be sufficient to make the program self-supporting, exclusive of start-up costs. The fees collected shall be deposited in a special account in the office of the state treasurer and utilized as provided in RSA 265-A:41.

III. The state-operated 7-day multiple DWI offender intervention detention center program shall furnish to the courts a report indicating when a person has completed attendance at the program, and shall furnish to the division of motor vehicles, department of safety, a report indicating when a person who attends the program pursuant to RSA 265-A:18 has successfully completed the program and treatment or involvement in a substance abuse program when appropriate and warranted.

IV. The commissioner of the department of health and human services shall submit an annual report on the 7-day state-operated multiple DWI offender intervention detention center program, on or before January 1 of each year, to the speaker of the house of representatives and the president of the senate.

V. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the operation of the 7-day multiple DWI offender intervention detention center program with respect to:

(a) Program curriculum and content.

(b) Bed availability schedules.

(c) Any other matter related to the proper administration of this section.

265-A:41 Utilization of Funds. All funds derived from the fees collected by the commissioner of the department of health and human services under RSA 265-A:18 shall be paid over to the state treasurer within 10 days of the subsequent month, or at an earlier date, for deposit into a separate account in the treasury known as the 7-day multiple DWI offender intervention detention center program account. These funds are appropriated as indicated in the operating budget as a source of funds for the 7-day multiple DWI offender intervention detention center program. Any funds remaining in the account over the appropriation indicated in the operating budget shall lapse into the general fund at the end of each fiscal year.

265-A:42 Attendance at Impaired Driver Intervention Program Required.

I. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265-A:2, I or 265-A:3 until such person has furnished proof of successful completion of an impaired driver intervention program which is:

(a) Approved by the commissioner of the department of health and human services and the commissioner of safety pursuant to RSA 265-A:39 and RSA 265-A:40;

(b) Approved by the court or the department of safety, in the case of a person who is not a resident of this state; or

(c) Operated by the department of corrections and approved pursuant to RSA 265-A:39, II.

II. For the purposes of this section, "successful completion" means meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the I.D.I.P. or the M.O.P. or its equivalent; provided, however, that the offender shall have the right to a hearing before the commissioner or designee, who shall determine whether the further counseling requirements arising out of the final evaluation are warranted and appropriate, and whether the offender should be eligible for license restoration.

III. Successful completion shall also include payment of all assessed I.D.I.P., M.O.P., and equivalent program fees, except in the case of attendance at programs operated by the department of corrections. Failure of the offender to make full payment of the assessed fee may also result in petition for contempt of court charges against the offender.

IV.(a) Upon enrolling in an impaired driver intervention program, a person shall provide to the program an original certified copy of the person's driver's license record. Such record shall be secured from the division of motor vehicles, or from the state in which the person holds a driver's license, if an out-of-state resident. The person shall pay for all costs involved in securing the certified copy.

(b) In the case of enrollment in the state-operated 7-day multiple DWI offender intervention detention center, a person shall provide such certified copy at the time of enrollment or prior to the issuance of a report under RSA 265-A:40, III and RSA 265-A:18, VIII.

V.(a) A person shall be presumed to have furnished proof of successful completion of an impaired driver intervention program if the person furnishes a report indicating that he or she has completed attendance at the I.D.I.P., the M.O.P., or an equivalent program, and that he or she has paid all assessed program fees. The presumption may be overcome by a hearing requested by the department, or the I.D.I.P., the M.O.P., or an equivalent program, with notice to and an opportunity to be heard by the person, where the department and/or the I.D.I.P., the M.O.P., or an equivalent program, shall have the burden of proving that the person has not successfully completed an impaired driver intervention program.

(b) The I.D.I.P., the M.O.P., or an equivalent program shall inform the department in writing of any further treatment it deems necessary in order to be considered a completed program before a license suspension should be restored. The department shall notify the licensee of his or her ability to request a hearing to dispute the findings and the licensee shall inform the department

of safety if the licensee requests a hearing within 20 days of receipt of such notice. At such hearing the I.D.I.P., the M.O.P., or an equivalent program shall have the burden of proving the person has not successfully completed an impaired driver intervention program. The I.D.I.P., the M.O.P., or an equivalent program shall inform the department in writing within 5 days after the end of the program attended by the licensee.

Other Alcohol and Drug Offenses

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years.

265-A:44 Transporting Alcoholic Beverages.

I. The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1.

II. Except as provided in paragraph V, no driver shall transport, carry, possess, or have any liquor or beverage within the passenger area of any motor vehicle upon any way in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the trunk of the motor vehicle. If the motor vehicle does not have a trunk, such containers shall be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

III. Except as provided in paragraph V, no passenger shall carry, possess, or have any liquor or beverage within any passenger area of any motor vehicle upon any way or in an area principally used for public parking in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages may be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

IV. A person who violates this section shall be guilty of a violation and shall be subject to a fine of \$150. In addition, a person who violates paragraph II of this section may have his or her drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

V. This section shall not apply to persons transporting, carrying, possessing, or having any liquor or beverage in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver of any of said vehicles is prohibited from having any liquor or beverage in or about the driver's area.

VI. For the purposes of this section only:

(a) "Passenger area of any motor vehicle" shall not include any section of a motor vehicle which has been designed or modified for the overnight accommodation of persons or as living quarters.

(b) "Way" shall mean the entire width between the boundary lines of any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use or any such way which has been used for public travel for 20 years.

265-A:45 Transportation of Alcoholic Beverages by a Minor.

I. Notwithstanding RSA 265-A:44, II, no driver under the age of 21 shall, except when accompanied by a parent, legal guardian, or legal age spouse, transport any liquor or beverage in any part of a vehicle. A driver violating this section may have his or her license or privilege to drive suspended for 60 days. The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1. "Legal age spouse" means a person 21 years of age or older.

II. This section shall not apply to a driver under 21 years of age employed under RSA 179:23.

2 Reference Changed. Amend RSA 6:12, I(b)(147) to read as follows:

(147) Moneys deposited in the 7-day multiple DWI offender intervention detention center program account under RSA [~~172-B:2-c~~] **265-A:41**.

3 Reference Changed. Amend RSA 6:12, I(b)(175) to read as follows:

(175) Moneys deposited in the alcoholism and alcohol abuse account under RSA [~~172-B:2-a~~] **265-A:39**.

4 Reference Changed. Amend RSA 21-P:14, II(dd) to read as follows:

(dd) The methods, procedures, and techniques for the testing of blood, urine, and breath to determine alcohol concentration as described under RSA [~~265-85~~] **265-A:5, V**.

5 References Changed. Amend RSA 21-P:14, IV(j)-(k) to read as follows:

(j) Suspension or revocation of a driver's license or driving privilege, as authorized by RSA ~~[263:53-66]~~ **263:53 through RSA 263:65, [and] RSA 263:73, 265-A:26, and RSA 265-A:29.**

(k) Appeals of driver's license denial, suspension, or revocation, as authorized by RSA 263:75, **RSA 265-A:34, and 263:76.**

6 Reference Changed. Amend RSA 21-P:14, IV(r) to read as follows:

(r) Administrative suspension of motor vehicle licenses pursuant to RSA ~~[265:91-a]~~ **265:91-b and RSA 265:91-c and RSA 265-A:30 through RSA 265-A:32**, including notices, forms, temporary driving permits, hearing procedures, and procedures for restoration after the suspension period.

7 Reference Changed. Amend RSA 179:27-a, II to read as follows:

II. Any partially consumed bottle of table wine which is to be removed from the premises under paragraph I shall be securely sealed and bagged, by the licensee, either to be in conformance with any applicable local open container law for those patrons on foot, or transported as required by RSA ~~[265:81]~~ **265-A:44**, in the trunk of a motor vehicle. If the vehicle is not equipped with a trunk, the securely sealed opened table wine bottles may be stored and transported in that compartment or area of the vehicle which is the least accessible to the driver.

8 Reference Changed. Amend RSA 214:20-f to read as follows:

214:20-f Administration of Blood Alcohol Concentration Tests. All and any alcohol concentration tests performed as authorized in RSA 214:20-d shall be conducted pursuant to the requirements of RSA ~~[265:85]~~ **265-A:5**, relative to the testing of blood, urine, and breath.

9 Reference Changed. Amend RSA 214:20-g to read as follows:

214:20-g Additional Tests. The provisions of RSA ~~[265:86]~~ **265-A:7**, relative to the right of an arrested person to obtain additional tests, shall apply to any person to whom RSA 214:20-d is applicable.

10 Reference Changed. Amend RSA 214:20-j to read as follows:

214:20-j Official Record of Tests. The provisions of RSA ~~[265:90]~~ **265-A:12**, relative to notice to the court and the admissibility of the official report of tests, shall govern admissibility of the official records related to the tests taken pursuant to this RSA 214:20-d as well as the notice required to compel the attendance of any person who conducted such tests at trial.

11 References Changed. Amend RSA 215-A:19, VII(b)-(c) to read as follows:

(b) RSA ~~[215-A:11]~~ **265-A:2, I and RSA 265-A:3**, relative to operating an OHRV while intoxicated or under the influence of drugs.

(c) RSA ~~[215-A:11-b]~~ **265-A:14**, relative to refusal of consent.

12 References Changed. Amend RSA 215-A:29, XIX(b) to read as follows:

(b) Any person who violates this section by operating an OHRV in this state during the period of suspension or revocation of such person's license or driving privilege for a violation of ~~[RSA 215-A:11, 215-C:11]~~ RSA 265:79, RSA ~~[265:82, RSA 265:82-a]~~ **265-A:2, I, RSA 265-A:3, and RSA 630:3, II** shall be guilty of a misdemeanor and shall be sentenced in accordance with RSA 263:64, IV.

13 References Changed. Amend RSA 259:39, I(k)-(l) to read as follows:

(k) Conviction of any offense *involving a vehicle* specified in RSA ~~[265:82]~~ **265-A:2, I;**

(l) Conviction of any offense *involving a vehicle* specified in RSA ~~[265:82-a]~~ **265-A:3;**

14 Reference Changed. Amend RSA 259:43-b to read as follows:

259:43-b Interlock Service Provider. An approved interlock service provider means an entity that installs, services, calibrates, monitors, and provides reports as required by RSA ~~[265:93-a]~~ **265-A:36, VI(c)** who is approved by the commissioner of the department of safety to do so; no person shall provide any of the services of an approved interlock service provider without such prior approval.

15 References Changed. Amend RSA 259:125, II to read as follows:

II. For the purposes of RSA 265:79, RSA ~~[265:82]~~ **265-A:2, I**, and RSA ~~[265:82-a]~~ **265-A:3**, any public highway, street, avenue, road, alley, park, parking lot, or parkway; any private way laid out under authority of statute; ways provided and maintained by public institutions to which state funds are appropriated for public use; any privately owned and maintained way open for public use; and any private parking lots, including parking lots and other out-of-door areas of commercial establishments which are generally maintained for the benefit of the public.

16 Reference Changed. Amend RSA 260:16 to read as follows:

260:16 Appropriation. The department may destroy, at the end of 5 years from the date of filing, originals or copies, including photographs, microphotographs, or photographic film, of reports

required by law of accidents and applications for licenses to drive motor vehicles and for the registration thereof. The department may destroy any obsolete number plates and forms which, in the director's opinion, are no longer of any value to the state. The time limit provided herein shall not apply in the case of the destruction of original records, papers, or documents as provided in RSA 260:19. This section shall not be construed as allowing the destruction of any record of conviction maintained for the purposes of RSA [265:82] 265-A:2, I.

17 References Changed. Amend RSA 261:180, III to read as follows:

III. The commissioner, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving *or attempting to drive* under the influence of intoxicating liquor or any controlled drug under RSA [265:82] 265-A:2, I, or aggravated driving while intoxicated *or attempted aggravated driving while intoxicated* under RSA [265:82-a] 265-A:3, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

18 References Changed. Amend RSA 262:23, II to read as follows:

III. Notwithstanding paragraph I, any person who qualifies under RSA 259:39 shall not be subject to the minimum mandatory provisions of paragraph I if, and only if, that person's certification was not based on any conviction under RSA [265:82] 265-A:2, I or any misdemeanor or felony motor vehicle conviction pursuant to RSA title XXI, and that person has not been convicted of any such offense, or any reasonably similar offense in any jurisdiction within the United States and Canada, since the date of the certification; provided, however, that any such person shall be guilty of a class A misdemeanor and may be sentenced to one year or less. Any person incarcerated upon the effective date of this paragraph, pursuant to certification as an habitual offender under RSA 259:39, who does not have a conviction under RSA [265:82] 265-A:2, I *involving a vehicle* or any misdemeanor or felony motor vehicle convictions pursuant to RSA title XXI, may apply immediately to the superior court for sentence review and reduction.

19 References Changed. Amend the introductory paragraph of RSA 262:44 to read as follows:

Any person charged with a violation of the provisions of title XXI on vehicles, excluding a violation of RSA 263:1-a, RSA 265:79, [265:82, 265:82-a] RSA 265-A:2, RSA 265-A:3, RSA 265:115, RSA 265:117, a speeding offense under RSA 265:60 for which the defendant must appear in court, and any offense which is a misdemeanor or felony, may plead guilty, nolo contendere, or not guilty by mail in the following manner:

20 References Changed. Amend RSA 263:56-a, II(b) to read as follows:

(b) The director shall purge the record of violations in default, related suspensions, and all fees and fines assessed against these defaults and suspensions under this section that have been on file for more than 7 years; provided, however, that the director shall not purge such records for a violation of RSA 265:79, RSA [265:82] 265-A:2, I, RSA [265:82-a] 265-A:3, RSA 265:115, RSA 265:117, and any offense which is a misdemeanor or felony during the defendant's lifetime until the defendant's driver's license or driving privilege is reinstated. All courts shall notify the director of any such failure on a form prescribed by the director.

21 Reference Changed. Amend RSA 263:56-e, II(c) to read as follows:

(c) The person has successfully completed a program required by RSA [263:65-a] 265A:42 at approximately the same time he *or she* would have been required to take the driver attitude program.

22 References Changed. Amend RSA 263:64, IV to read as follows:

IV. Any person who violates this section by driving *or attempting to drive* a motor vehicle in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA 265:79 shall be guilty of a misdemeanor. Any person who violates this section by driving *or attempting to drive* a motor vehicle or by operating *or attempting to operate* an OHRV or snowmobile in this state during the period of suspension or revocation of his or her license or driving privilege for a violation of RSA [215-A:11, 215-C:11, RSA 265:82] 265-A:2, I, RSA [265:82-a] 265-A:3, or RSA 630:3, II shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period not less than 7 consecutive 24-hour periods to be served within 6 months of the conviction, shall be fined not more than \$1,000, and shall have his or her license or privilege revoked for an additional year. No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court. No case brought to enforce this paragraph shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory

sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by title LXII or any other provision of law.

23 Reference Changed. Amend the subdivision heading preceding RSA 263:65 and RSA 263:65 to read as follows:

Effect of Reckless Driving [~~or Driving While Under Influence of Alcohol or Drugs~~]

263:65 Revocation for Reckless Driving [~~or Driving While Under Influence of Alcohol or Drugs~~]. Upon a conviction of a violation of RSA 265:79, [~~82 or 82-a~~] the court shall report to the department and shall immediately revoke the license or driving privilege of the person so convicted, or the right of a nonresident so convicted to drive within the state of New Hampshire; and said court in the case of holders of New Hampshire licenses shall return such license with its findings marked thereon, together with the court return, to the department; and the department may revoke the license of any person who shall be convicted of a similar offense by a court of any other state in a criminal proceeding, or who shall be found to have committed a similar act by a court of any other state in a civil proceeding.

24 Alcohol and Controlled Substance Provisions Deleted. Amend RSA 263:94, I(a)-(c) to read as follows:

(a) The commissioner shall suspend for at least one year, the commercial driver license of a person who is found to have committed a first violation of:

(1) [~~Driving a commercial motor vehicle under the influence of alcohol with an alcohol concentration of 0.04 or greater, or other controlled substances, notwithstanding RSA 265:89;~~

(2) Leaving the scene of an accident while driving a commercial motor vehicle; and

[(3)] (2) Driving a commercial motor vehicle in the commission of a felony, except a controlled substance felony as described in subparagraph (d).

(b) If the driver commits any of the violations listed in subparagraph (a) while carrying hazardous materials, the suspension shall be for a period of 3 years.

(c) The commissioner shall suspend for life, or a period of not less than 10 years, according to federal Department of Transportation regulations, the commercial driver license of a person who is found to have committed a second violation of:

(1) [~~Driving a commercial motor vehicle under the influence of alcohol with an alcohol concentration of 0.04 or greater, or other controlled substance, notwithstanding RSA 265:89;~~

(2) Leaving the scene of an accident while driving a commercial motor vehicle; or

[(3)] (2) Using a commercial motor vehicle in the commission of a felony.

25 Scope of Administrative Review or Hearing. Amend RSA 265:91-b, II to read as follows:

II. The scope of the administrative review or hearing shall be limited to the [issues] *issue* of:

(a) ~~Whether the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor, narcotics or drugs;~~

(b) ~~The facts upon which the reasonable grounds to believe such are based;~~

(c) ~~whether the person had been arrested;~~

(d) ~~Whether the person has refused to submit to the test upon the request of the law enforcement officer or whether a properly administered test or tests disclosed an alcohol concentration of 0.08 or more, or, in the case of a person under 21 years of age, 0.02 or more;~~

(e) ~~Whether the officer informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing; and~~

(f) ~~Whether the officer informed the arrested person of the fact that refusal to permit the test would result in suspension of his license or driving privilege and that testing above the alcohol concentration level specified in RSA 265:91-a would also result in suspension].~~

26 Reference Changed. Amend RSA 270:12-a, I(b) to read as follows:

(b) The provisions of RSA [~~270:48-a~~] 265-A, relative to the operation *or attempted operation* of boats by a person under the influence of intoxicating liquor or a controlled drug or other unlawful operation of boats thereunder and all other crimes and offenses occurring on the public bodies of inland waters of the state;

27 References Changed. Amend RSA 270:46-a, I(c)-(d) to read as follows:

(c) RSA [~~270:50~~] 265-A:14, refusal of consent.

(d) RSA [~~270:48-a~~] 265-A:2, II, operating *or attempting to operate* boats under the influence of liquor or drugs.

28 Reference Changed. Amend RSA 270:83 to read as follows:

270:83 Chocorua Lake. No person shall use, operate, or have aboard or attached to any boat as defined in RSA [270:48] 265-A:1, II a petroleum- or electric-powered inboard or outboard motor, or any other type of power motor, upon the waters of Chocorua Lake in Tamworth. Whoever violates the provisions of this section shall be guilty of a violation.

29 Reference Changed. Amend RSA 422:29, VI to read as follows:

VI. Any person who operates or attempts to operate an aircraft while under the influence of intoxicating liquor or of any controlled drug as prohibited by this chapter or 14 C.F.R. [Part] part 91 as amended shall be guilty of a class B felony and be subject to the same penalties as a person convicted of a violation of RSA [265:82] 265-A:2, I as specified in RSA [265:82-b] 265-A:18, I(c). Any conviction under this section shall be reported to the department of safety, division of motor vehicles and shall become a part of the motor vehicle driving record of the person convicted.

30 Reference Changed. Amend RSA 502-A:19-b, I to read as follows:

I. Such defendant shall receive, in addition to [his] a summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the usual fines for violations of the provisions of title XXI on vehicles, excluding violations of RSA 265:79, [265:82] RSA 265-A:2, I or any offense which is a misdemeanor or felony; the usual fines for violations of the provisions of RSA 270, 270-A, and 270-E, excluding any offense which is a misdemeanor or felony; the usual fines for violations of the provisions of title XVIII on fish and game laws, excluding any offense which is a misdemeanor or felony; and the usual fines for violations of the provisions of title XIX-A on forestry laws, excluding any offense which is a misdemeanor or felony. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except, if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the division of motor vehicles within 30 days of the date of summons. Defendants in violation of the provisions of title XVIII shall be subject to the provisions of RSA 207:18 and RSA 214:19.

31 Applicability; Pleas by Mail. Section 30 of this act shall apply only to courts which are not computerized in coordination with the division of motor vehicles.

32 References Changed. Amend RSA 630:3, II-III to read as follows:

II. A person is guilty of a class A felony when in consequence of being under the influence of intoxicating liquor or a controlled drug or any combination of intoxicating liquor and controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA [270:48] 265-A:1, II, he *or she* causes the death of another.

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years. In cases where the person is convicted under paragraph II, the court shall revoke the license or driving privilege of the convicted person indefinitely and the person shall not petition for eligibility to reapply for a driver's license for at least 7 years. In a case in which alcohol was involved, the court may also require that the convicted person shall not have a license to drive reinstated until after the division of motor vehicles receives certification of installation of an ignition interlock device as described in RSA [265:93-a] 265-A:36, which shall remain in place for a period not to exceed 5 years.

33 Reference Changed. Amend RSA 651:2, V(h) to read as follows:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the state-operated 7-day multiple DWI offender intervention detention center program established under RSA [472-B:2-b] 265-A:40, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

34 References Changed. Amend the introductory paragraph of RSA 651:5, III to read as follows:

III. Except as provided in RSA [265:82-c] 265-A:21 or in paragraphs V and VI, any person convicted of an offense may petition for annulment of the record of arrest, conviction, and sen-

tence when the petitioner has completed all the terms and conditions of the sentence and has thereafter been convicted of no other crime, except a motor vehicle offense classified as a violation other than driving while intoxicated under RSA [265:82] 265-A:2, I, for a period of time as follows:

35 References Changed. Amend RSA 651:6, II(b)-(c) to read as follows:

(b) Has previously been convicted of a violation of RSA 630:3, II, RSA [265:82-a] 265-A:3, I(b) or II(b), or any crime in any other jurisdiction involving driving *or attempting to drive* a motor vehicle under the influence of controlled drugs or intoxicating liquors, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA [265:82-a] 265-A:3, I(b) or II(b); or

(c) Has twice previously been convicted in this state or any other jurisdiction, for driving *or attempting to drive* a motor vehicle under the influence of intoxicating liquors or controlled drugs, or both, and such person has committed a crime as defined under RSA 630:3, II or RSA [265:82-a] 265-A:3, I(b) or II(b).

36 Repeal. The following are repealed:

- I. RSA 172-B:2-a through 172-B:2-c, relative to impaired driver intervention programs.
- II. RSA 215-A:11 through 215-A:11-q, relative to DWI provisions for OHRVs.
- III. RSA 263:14-a, relative to probationary licenses.
- IV. RSA 263:65-a, relative to attendance at impaired driver intervention programs.
- V. RSA 263:66, relative to revocation of license for driving while intoxicated and appeals.
- VI. RSA 263:67, relative to not guilty findings; return of license.
- VII. RSA 263:71-a, relative to license restoration upon proof of financial responsibility.
- VIII. RSA 263:95, relative to commercial drivers prohibited from driving with any alcohol in their systems.
- IX. RSA 263:96, relative to implied consent requirements for commercial motor vehicle drivers.
- X. RSA 265:80, relative to possession of drugs.
- XI. RSA 265:81, relative to transporting alcoholic beverages.
- XII. RSA 265:81-a, relative to transportation of alcoholic beverages by a minor.
- XIII. RSA 265:82, relative to driving under influence of drugs or liquor; driving with excess alcohol concentration.
- XIV. RSA 265:82-a, relative to aggravated driving while intoxicated.
- XV. RSA 265:82-b, relative to penalties for intoxication or operating under the influence of drugs offenses.

XVI. RSA 265:82-c, relative to annulment; plea bargaining.

XVII. RSA 265:82-d, relative to payment of all obligations prior to restoration.

XVIII. RSA 265:83, relative to arrests without a warrant.

XIX. RSA 265:84, relative to implied consent of driver to submit to testing.

XX. RSA 265:85, relative to administration of alcohol concentration tests.

XXI. RSA 265:85-a, relative to administration of physical tests.

XXII. RSA 265:86, relative to additional tests.

XXIII. RSA 265:87, relative to prerequisites to tests.

XXIV. RSA 265:88, relative to effect of evidence of alcohol concentration tests.

XXV. RSA 265:88-a, relative to evidence of refusal to take alcohol concentration tests.

XXVI. RSA 265:89, relative to evidence.

XXVII. RSA 265:90, relative to official records of tests.

XXVIII. RSA 265:91, relative to incapacity to give consent.

XXIX. RSA 265:91-a, relative to administrative license suspensions.

XXX. RSA 265:92, relative to refusal of consent.

XXXI. RSA 265:92-a, relative to preliminary breath test.

XXXII. RSA 265:93, relative to blood testing of certain motor vehicle fatalities.

XXXIII. RSA 265:93-a through 265:93-c, relative to alcohol ignition interlock program.

XXXIV. RSA 270:47 through 270:58-b, relative to implied consent for boaters.

XXXV. RSA 215-C:11 through 215-C:27, relative to DWI provisions for snowmobiles.

37 Effective Date. This act shall take effect January 1, 2007.

Amendment adopted.

Committee report adopted.

Referred to the committee on Criminal Justice and Public Safety.

HB 685-FN-A, permitting casino gambling. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. James M. Fitzgerald for the Majority of Executive Departments and Administration: The committee felt that the bill, as written, was too restrictive in that it designated that a casino be built in the White Mountains. The committee heard conflicting testimony as to the economic benefit that a casino would have in the White Mountains and there was concern about the social impact it might have. The committee felt that if the State should decide that it wants to expand gaming in New Hampshire to include casino gambling, a thorough study should be done to determine what type of casino, the number of casinos and what locations would best serve the needs of the state. Also the committee felt that it is premature to consider expanding gaming in New Hampshire before the committee established in the last legislative session to look into expanded gaming in New Hampshire has made its report. Vote 18-2.

Rep. Pamela V. Manney for the Minority of Executive Departments and Administration: For decades, the State of New Hampshire has been wrestling with the idea of establishing casino gambling in the State of New Hampshire. Study committees were formed to discuss the impact of expanded gambling in New Hampshire. Proponents, for and against, have had ample opportunity to express their opinions on the matter. It is now time to vote. Are you in favor of establishing a casino in the White Mountain Region or not? Proponents believe to do so would be an economic boon to the local economy and to the local citizens starving for year round employment in that area of New Hampshire. They also believe it would be a boon to the state economy as well.

Reps. Manney and Gionet spoke against and yielded to questions.

Rep. Fitzgerald spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 250 NAYS 99**YEAS 250****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Morrison, Gail	Neddeau, Stephen
Pilliod, James	Rosen, Ralph	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dexter, Judson	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Footte, Sheila	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS

Merrick, Scott	Morneau, Renney	Remick, William	Stohl, Eric
Tholl, John Jr			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Giuda, Robert	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter

Biundo, Michael
Carter, Mark
Daniuk, Caitlin
Elliott, Nancy
Gargas, Carolyn
Hall, Betty
Hirschmann, Keith
Jasper, Shawn
Martin, Mary Ellen
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Slocum, Lee
Sullivan, Francis
Vaillancourt, Steve

Brassard, Paul
Chase, Claudia
Dokmo, Cynthia
Emerton, Larry
Golding, William
Harvey, Suzanne
Hunter, Bruce
Kelly, Eugene Jr
Matarazzo, Anthony Sr
Movsesian, Lori
Pepino, Leo
Rochette, Eric
Scanlon, Michael
Smith, David
Sullivan, Peter
Velez, Hector

Brundige, Robert
Clark, Mark
Drisko, Richard
Essex, David
Goley, Jeffrey
Hellwig, Steve
Infantine, William
Kopka, Angeline
Mead, Robert
O'Brien, William
Pilotte, Maurice
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen
Tahir, Saghir
Wheeler, James

Carew, James
Coughlin, Pamela
Egbers, Fran
Foster, Linda
Graham, John
Hinkle, Peyton
Irwin, Anne-Marie
Kurk, Neal
Messier, Irene
O'Connell, Timothy
Price, Pamela
Rowe, Robert
Shattuck, Gilman
Stepanek, Stephen
Ulery, Jordan
Wheeler, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
Foote, Robert
Hamm, Christine
Langlais, Thomas
McMahon, Patricia
Rush, Deanna
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
Danforth, James
French, Barbara
Hess, David
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Gile, Mary
Kidder, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Wallner, Mary Jane

Brueggemann, Donald
Field, William
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Reardon, Tara
Soltani, Tony
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Carson, Sharon
Dowling, Patricia
Forsing, Robert
Gould, Kenneth
Introne, Robert
Langley, Jane
McKinney, Betsy
Quandt, Marshall Lee
Scamman, Stella
Weare, E Albert

Bettencourt, David
Cady, Harriet
Casey, Kimberley
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Itse, Daniel
Lund, Howie
Nowe, Ronald
Quandt, Matthew
Serlin, Christopher
Welch, David

Bicknell, Elbert
Cali-Pitts, Jacqueline
Coburn, James
Flanders, John Sr
Garrity, James
Hopfgarten, Paul
Katsakiores, George
Major, Norman
O'Neil, Michael
Rolston, James
Splaine, James
Winchell, George

Blanchard, MaryAnn
Camm, Kevin
Dowd, John
Flockhart, Eileen
Gilbert, Karl
Hughes, Daniel
Kobel, Rudolph
Mason, April
Powers, James
Sanders, Elisabeth
Stone, Joseph
Zolla, William

STRAFFORD

Albert, Russell
Creteau, Irene
Kaen, Naida
Rollo, Michael
Snyder, Clair

Bickford, David
Dunlap, Patricia
Keans, Sandra
Rous, Emma
Spang, Judith

Brown, Lawrence
Eason, Timothy
Miller, Joseph
Schmidt, Peter
Twombly, James

Chaplin, Duncan
Johnson, Nancy
Newton, Clifford
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Jillette, Arthur Jr
Rodeschin, Beverly

Franklin, Peter
Osgood, Philip Sr

Houde-Quimby, Charlotte
Phinzy, James

Irish, Christopher
Prichard, Stephen

NAYS 99 BELKNAP

Russell, David

Veazey, John

CARROLL

Buco, Thomas	Dickinson, Howard
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CHESHIRE

Butynski, William	Dunn, J Timothy	Hogancamp, Deborah	Pelkey, Stephen
Roberts, Kris			

COOS

King, Frederick	Lary, Bruce	Richardson, Herbert	Theberge, Robert
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GRAFTON

Gionet, Edmond	Ham, Bonnie	Maybeck, Margie	Sorg, Gregory
Ward, John			

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Boehm, Ralph	Buhlman, David
Calawa, Leon Jr	Campbell, David	Christensen, D L Chris	Christiansen, Lars
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Crane, Elenore Casey	DeVries, Betsi	Dyer, Donald	Francoeur, Bea
Gibson, John	Ginsburg, Ruth	Gorman, Mary	Goyette, Peter Jr
Haley, Robert	Hawkins, Ken	Holden, Randolph	Jean, Claudette
Jeady, Jean	Johnson, Paula	L'Heureux, Robert	Lasky, Bette
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Michon, Stephen	Palangas, Eric	Pappas, Christopher	Renzullo, Andrew
Ross, Lawrence	Shaw, Barbara	Shaw, Kimberly	Villeneuve, Maurice

MERRIMACK

Currier, David	DeJoie, John	Greco, Vincent	Kennedy, Richard
Maxfield, Roy	Oliver, James	Osborne, Jessie	

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bishop, Franklin	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Doyle, Christopher	Fesh, Bob
Griffin, Mary	Hutchinson, Karen	Ingram, Russell	Johnson, Robert
Katsakiores, Phyllis	McMahon, Charles	Moody, Marcia	Rausch, James
Stiles, Nancy	Waterhouse, Kevin	Wells, Roger	Weyler, Kenneth

STRAFFORD

Brown, Jennifer	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Cilley, Jacalyn	Domingo, Baldwin	Hofemann, Roland	Knowles, William
Taylor, Katherine	Taylor, Kathleen		

SULLIVAN

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Gale, Harry
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and the majority committee report was adopted.

SB 110-FN-A, establishing the New Hampshire Rx plus program for prescription drugs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Cindy Rosenwald for the Majority of Health, Human Services and Elderly Affairs: Approximately 135,000 citizens of New Hampshire, more than 10% of our population, do not have health insurance or prescription drug benefits and are of lower income. For individuals and families living on low incomes, being able to afford prescription medicines is a significant hardship. Pharmacists report that often customers ask which of their prescriptions they should fill because they cannot afford to fill all of them. Individuals with no health insurance are the people who pay the highest prices for their medicines when they can least afford it. This discount drug program was studied over a period of months beginning last February, with subcommittees meeting a total of nine times. During that period, a number of amendments were considered, and testimony was heard from all interested parties, including pharmacies and pharmaceutical manufacturers. The final amendment,

voted OTP 6-1 by subcommittee, is based on a similar bill enacted in Hawaii last year, offering a combination of discounts from both pharmacies and the pharmaceutical industry to individuals up to 300% of federal poverty limit who have no insurance for prescription drugs or have reached the limit of their coverage. Since that time, similar programs have been enacted in Michigan and Montana. The committee amendment has several distinct advantages. Participation for both pharmacies and pharmaceutical manufacturers is completely voluntary. Therefore, no federal Waiver from Medicaid officials is required, and the state Medicaid plan does not need to be amended. The Pharmaceutical industry representatives who attended subcommittee meetings did not oppose the program; nor have they in Hawaii. In addition, the pharmaceutical industry has sponsored a ballot initiative in California that creates a similar voluntary discount program and has collected \$78 million from member drug companies for marketing efforts in support of it. The committee amendment received supportive testimony from the coordinator of New Hampshire's program to help low income people obtain free medications from drug companies. We heard testimony that bridge program cannot meet the full need of New Hampshire's under-insured. The majority of the committee believes that this program will increase retail pharmacy purchases from customers who will pay cash and buy other items when they are in the stores. Members of the retail industry in New Hampshire attended some of the subcommittee meetings, and did not oppose the bill. The majority of the committee felt there was a need in our state for a prescription drug discount program for the lower income under-insured population. Vote 17-4.

Rep. Fran Wendelboe for the Minority of Health, Human Services and Elderly Affairs: This bill creates a bureaucratic state program with at least a million dollar fiscal note for start up costs and a Health and Human Service Department fiscal note stating that drug company rebates will not cover yearly administrative costs in the first three years of the program. The drug industry currently has a nationwide free/or nearly free program for all ages who are uninsured and under 150-200% of poverty. This is where our efforts should be – supporting outreach and enrollment in the free programs. Additionally, no pharmacies have agreed to participate and it is unlikely they will since this legislation does not provide any reimbursement for discounts the pharmacies are required to provide or any payment of a dispensing fee. Since it is voluntary participation, pharmacies are likely to not participate. Drug companies also have not committed to participate with “rebates” to the state for non medicaid population. BRA 98 requires discount rebates for the “poverty” medicaid program but are under no obligation to give kickback (rebates) for uninsured people who make up to \$65,000 a year. While the minority agrees some people need assistance with their drug costs, there are other ways to get them assistance at little cost to the state.

Majority Amendment (0011h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing the New Hampshire Rx plus program for prescription drugs and continually appropriating a special fund.

Amend the bill by replacing all after the enacting clause with the following:

I Statement of Purpose. The general court finds that affordability is critical in providing access to prescription drugs for New Hampshire residents. The general court hereby creates the New Hampshire Rx Plus Program to enable the state to make prescription drugs more affordable for qualified New Hampshire residents, thereby increasing the overall health of New Hampshire residents, promoting healthy communities, and protecting the public health and welfare. It is not the intent of this act to discourage employers from offering to pay or paying for prescription drug benefits for their employees or to supplant employer-sponsored prescription drug benefit plans.

2 New Chapter; New Hampshire Rx Plus Program for Prescription Drugs. Amend RSA by inserting after chapter 161-K the following new chapter:

CHAPTER 161-L

NEW HAMPSHIRE RX PLUS PROGRAM

161-L:1 Definitions. In this chapter:

- I. “Commissioner” means the commissioner of the department of health and human services.
- II. “Committee” means the pharmacy and therapeutics advisory committee established in 2003, 319:176 that advises the department on the medicaid preferred drug list.
- III. “Department” means the department of health and human services.
- IV. “Initial discounted price” as it pertains to a drug means the average wholesale price less 10 percent.

V. "Participating pharmacy" or "retail pharmacy" means a retail pharmacy located in this state that elects to participate in the program.

VI. "Preferred drug" includes but is not limited to:

- (a) A drug listed on the state's medicaid preferred drug list;
- (b) An antipsychotic drug;
- (c) An antidepressant drug;
- (d) A chemotherapy drug;
- (e) An antiretroviral drug;
- (f) An immunosuppressive drug; and
- (g) Any other drug approved pursuant to this chapter.

VII. "Program" means the New Hampshire Rx plus program.

VIII. "Qualified resident" means a resident of the state who has a family income equal to or less than 300 percent of the federal poverty level, who does not have prescription drug coverage or has exceeded the extent of their benefits, and who is enrolled in the program.

IX. "Secondary discounted price" as it pertains to a drug means the initial discounted price less any further discounts paid out of the Rx plus fund.

161-L:2 Rx Plus Preferred Drug List; Duties of Committee.

I. The department shall establish a Rx plus preferred drug list that includes but is not limited to:

- (a) Drugs listed on the state's medicaid preferred drug list;
- (b) Antipsychotic drugs;
- (c) Antidepressant drugs;
- (d) Chemotherapy drugs;
- (e) Antiretroviral drugs;
- (f) Immunosuppressive drugs; and
- (g) Any other drugs approved pursuant to this chapter.

II. The committee shall review and recommend drugs for placement on the Rx plus preferred drug list, striving to identify the safest and most efficacious drugs that are available at the lowest cost. The committee's recommendations may take into consideration any of the following factors:

- (a) Therapeutic value for the disease or condition under treatment;
- (b) Clinical efficacy;
- (c) Safety;
- (d) Cost; and
- (e) Other relevant factors as determined by the committee.

III. When considering categories of drugs designed to treat specialized chronic medical conditions and diseases, the committee shall consult with physicians and other health care professionals with specialized clinical knowledge and expertise in this area, either in their capacity as consultants serving on the committee, or as physicians or pharmacists with a practice or specialty in chronic diseases.

IV. The determination of a drug's safety and efficacy shall be consistent with the standards set forth in the peer-reviewed literature and other available sources including, but not limited to the American Hospital Formulary Service Drug Information, the United States Pharmacopoeia Drug Information, the DRUGDEX Information System, and the American Medical Association Drug Evaluations.

V. The determination of a drug's net cost shall consider the pharmacy reimbursement amount, authorized under RSA 161-L:8, as adjusted by manufacturer's rebates to be paid to the department. The committee shall not consider a drug's net cost unless it determines that the drug has no significant clinical or safety advantages over one or more alternative drugs, when used for a given purpose.

161-L:3 New Hampshire Rx Plus Program.

I. There is established within the department, the New Hampshire Rx plus program. The program shall combine the purchasing power of all qualified residents to enable the state to reduce prescription drug costs and to improve the quality of health care for qualified New Hampshire residents in the program, thereby increasing the overall health of New Hampshire residents, promoting healthy communities, and protecting the public health and welfare, and to integrate the program as part of any statewide program for the uninsured.

II. The program shall utilize manufacturer rebates and pharmacy discounts to reduce prescription drug prices.

III. The department may administer the program or contract with a third party or third parties to administer any single component, or combination of components of the program including

outreach, eligibility, claims, administration, rebate negotiations and recovery and redistribution in order to achieve the maximum possible discount for New Hampshire residents. Any contract to administer any program component shall prohibit the contractor from receiving any compensation or other benefits from any manufacturer participating in the program.

IV. The department shall conduct ongoing quality assurance activities similar to those used in the medicaid program.

161-L:4 Program Eligibility.

I. All qualified residents of the state shall be eligible to participate in the Rx plus program.

II. The department:

(a) Shall establish procedures to determine eligibility and shall issue program enrollment cards to eligible qualified residents;

(b) Shall undertake outreach efforts to build public awareness of the program and maximize the enrollment of eligible qualified residents; and

(c) May adjust the requirements and terms of the program by rule, pursuant to RSA 541A, to accommodate any federally-funded or authorized prescription drug program.

161-L:5 Rebate Agreement.

I. A drug manufacturer or labeler that sells prescription drugs in the state may enter into a rebate agreement with the department for this purpose. The rebate agreement shall require the manufacturer to make rebate payments to the state each calendar quarter or according to a schedule established by the department.

II. The commissioner shall negotiate the amount of the rebate required from a manufacturer in accordance with this section.

III. The commissioner shall take into consideration the rebate calculated under the medicaid rebate program pursuant to title 42 U.S.C. section 1369r-8, the average wholesale price of prescription drugs, and any other information on prescription drug prices and price discounts.

IV. The commissioner shall use his or her best efforts to obtain an initial rebate amount equal to or greater than the rebate calculated under the medicaid program pursuant to 42 U.S.C. section 1369r-8.

V. With respect to rebates effective July 1, 2008, the commissioner shall use his or her best efforts to obtain a rebate amount equal to or greater than the amount of any discount, rebate, or price reduction for prescription drugs provided to the federal government.

161-L:6 Participating and Nonparticipating Manufacturers.

I. The names of manufacturers that enter and do not enter into rebate agreements pursuant to this chapter shall be deemed public information. The department shall release this information to health care providers and the public annually.

II. The department may also provide to health care providers information about the relative cost of drugs produced by manufacturers that enter into rebate agreements compared to the cost of drugs produced by those that do not enter into rebate agreements. The department shall adopt rules, under RSA 541-A, establishing procedures for the implementation of this section.

161-L:7 Discounted Retail Prices for Program Participants.

I. Each retail pharmacy participating in the program shall sell drugs to qualified residents at the lowered initial discounted price, in addition to the secondary discounted price as such discounted prices are determined by the department pursuant to this chapter.

II. The department shall establish discounts for drugs covered by a rebate agreement and shall promote the use of safe, efficacious, and cost-effective drugs, taking into consideration:

(a) Reduced prices for state and federally-capped drug programs;

(b) Differential dispensing fees;

(c) Administrative costs of the department; and

(d) The recommendation of the committee.

III. Beginning July 1, 2007, a participating pharmacy shall offer the initial discounted price.

IV. No later than July 1, 2008, a participating pharmacy shall offer the secondary discounted price, if available.

161-L:8 Pharmacy Reimbursement.

I. A pharmacy shall submit claims to the department to verify the amount charged to program participants. On a schedule to be determined by the department, the department shall reimburse each pharmacy for the discounts of prescription drugs provided to program participants less any administrative costs incurred by the department.

II. The department shall collect pharmacy use data necessary to calculate the amount of the manufacturer rebate under RSA 161-L:5. The department shall protect the confidentiality of information received as required under state or federal law, rule, or regulation.

III. The department shall not impose transaction charges on participating pharmacies that submit claims or receive payments under the program.

161-L:9 Rx Plus Fund Established.

I. There is hereby established in the office of the state treasurer a fund to be known as the Rx plus fund into which shall be deposited:

- (a) All moneys received from manufacturers who pay rebates as provided in RSA 161L:5.
- (b) Appropriations made by the general court to the fund; and
- (c) Any other revenues designated for the fund.

II. Moneys in the fund shall be used for the following purposes:

(a) Reimbursement payments to participating pharmacies for discounts provided to program participants;

(b) The cost of administering the Rx plus program, including salary and benefits of employees, computer costs, and contracted services as provided in RSA 161-L:3; and

(c) Any other purpose deemed necessary by the department for the purpose of operating and administering the Rx plus program.

III. All interest on Rx plus fund balances shall accrue to the Rx plus fund. Moneys in this fund shall be nonlapsing and continually appropriated to the department.

161-L:10 Annual Report. The department shall make a report relative to the enrollment and financial status of the Rx plus program to the speaker of the house of representatives, the president of the senate, and the governor no later than 20 days prior to the convening of each regular legislative session, beginning with the 2007 regular legislative session.

161-L:11 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application process.

II. Rebate agreements under RSA 161-L:5.

III. The administration of the Rx plus fund established in RSA 161-L:9.

IV. The contracting process, including confidentiality procedures, under RSA 161-L:3.

V. Any adjustments to accommodate any federally-funded or authorized prescription drug program pursuant to RSA 161-L:4, II(c).

VI. The content and form of information to be provided under RSA 161-L:6.

VII. The schedule for reimbursement to pharmacies under RSA 161-L:8.

3 New Subparagraph; Rx Plus Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys deposited in the Rx plus fund pursuant to RSA 161-L.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the New Hampshire Rx plus program for prescription drugs. Under this bill, participating pharmacies shall sell prescription drugs to qualified residents at a discounted price. The bill grants rulemaking authority to the commissioner of the department of health and human services for the purposes of the bill.

Majority committee amendment adopted.

Majority committee report adopted.

Referred to the committee on Finance.

SPECIAL ORDER

Reps. O'Neil and Craig moved that **HB 656-FN**, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders, be made a Special Order for Wednesday, February 15, 2006.

Motion adopted.

REGULAR CALENDAR (CONT'D.)

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: This bill allows the issuance of municipal bonds or notes for the purpose of financing the development, construc-

tion, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in any area of a municipality that is not served by a wireless or facilities based broadband service or provider. The municipality would be prohibited from bonding unless it first sent out a request for proposals (RFP) to the private sector to see whether any private vendor was willing to build the broadband infrastructure. If no RFPs were positively replied to within two months or if there was not activity on the part of a private vendor within 14 months of the RFP process, then the municipality could undertake its own proposal to bond and build the infrastructure. As with any bond or note in excess of \$100,000, a public hearing is required prior to the vote on the bond or note, along with a super majority to pass the bond question. The amendment only authorizes the bonding for broadband infrastructure, and does not authorize the municipality to become broadband carrier, service, or provider. It is anticipated that with the passage of this bill economic development will be stimulated in those areas not currently served by broadband carriers. Vote 12-3.

Rep. Laurie J. Boyce for the Minority of Municipal and County Government: The intention of this bill was to give municipalities, with no available broadband service, the opportunity to issue bonds to build the necessary infrastructure to provide broadband. With a last minute amendment, it was expanded so any municipality without 100% broadband coverage will have the ability to issue bonds that will have to be paid for by the broadband users, not the town, although the town will have issued the bond. What happens if the "town broadband" goes broke? What is the cost for this service going to be that only a few have to pay? Much progress has taken place in getting broadband to the New Hampshire rural areas. Passage of this bill could have a negative effect on future private investments in broadband and put an undue burden on the local taxpayer. Proponents of this bill say they will build networks with public monies so private providers could then use them. We were told at the public hearing that private companies would not want to use infrastructure set up by someone else because of the "unreliability" of their system and the cost. There are just too many unanswered questions that could cost taxpayers money.

Majority Amendment (0181h)

Amend the bill by replacing all after the enacting clause with the following:

1 Bonds for Broadband Infrastructure Added to Permissible Bonds for Counties and Municipalities. Amend RSA 33:3 to read as follows:

33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes for the acquisition of land, for planning relative to public facilities, for the construction, reconstruction, alteration, and enlargement or purchase of public buildings, for other public works or improvements of a permanent nature *including broadband infrastructure as defined in RSA 38:38, 1(e), to be purchased or constructed in areas not served by an existing broadband carrier or provider*, for the purchase of departmental equipment of a lasting character, for the payment of judgments, and for purposes of economic development which shall include public-private partnerships involving capital improvements, loans, and guarantees. The public benefit in any public-private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the purposes of economic development may be issued only after the governing body of the municipality or county has held hearings and presented the public benefit findings to the public and after such issuance has been approved by the legislative body. A municipality or county shall not issue bonds or notes to provide for the payment of expenses for current maintenance and operation except as otherwise specifically provided by law.

2 Issue of Bonds for Certain Preliminary Expenses. RSA 33:3-c is repealed and reenacted to read as follows:

33:3-c Issue of Bonds for Preliminary Expenses.

I. A municipality or county may issue its bonds or notes for the purpose of defraying the cost of preliminary or final plans and specifications or other preliminary expenses incidental to, or connected with, any proposed public work or improvement of a permanent nature consisting of the construction, reconstruction, alteration, enlargement, or improvement of the following:

(a) A public building.

(b) A water works.

(c) A sewerage system or sewage or waste treatment facility.

(d) A solid waste disposal or resource recovery facility.

(e) Broadband infrastructure as defined in RSA 38:38 to be purchased or constructed in areas not served by an existing broadband carrier or provider.

II. Bonds or notes shall mature over a period of not more than 5 years from the date of issue unless they are issued at the same time as bonds or notes for the public work or improvement for which such expenses were incurred, in which case said bonds or notes shall mature over a period

not exceeding the expected useful life of such public work or improvement. A municipality or county may issue its bonds or notes in accordance with this section for planning and other preliminary expenses relating to solid waste disposal or resource recovery facilities to serve the municipality or county, notwithstanding that the facilities may later be owned by a private entity, but only for such expenses incurred prior to any binding contractual commitment to a proposed private owner, and only if such bonds or notes do not constitute "private activity bonds" as defined in section 103(n)(7) of the United States Internal Revenue Code of 1954, as amended.

3 New Section; Broadband Infrastructure Bonds Authorized. Amend RSA 33 by inserting after section 3-f the following new section:

33:3-g Broadband Infrastructure Bonds.

I. A municipality may issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in areas not served by an existing broadband carrier or provider that would be provided at a fee to broadband carriers that provide broadband services. Without limiting the foregoing, broadband infrastructure may be the subject of public-private partnerships established in accordance with the provisions of RSA 33:3.

II. Bonds issued under this section shall be payable in annual payments so that the amount of annual payment of principal and interest in any year on account of any bond shall be not less than the amount of principal and interest payable in any subsequent year by more than 5 percent of the principal of the entire bond. The total amount of payments shall be sufficient to extinguish the entire bond at such bond's maturity. The first payment of principal on any bond shall be made no later than 5 years and the last payment not later than 30 years after the date issued. Each authorized issue of bonds shall be a separate and distinct loan.

III. A municipality shall not issue bonds for the purpose of financing the development, construction, reconstruction, renovation, improvement, and acquisition of broadband infrastructure in areas not served by an existing broadband carrier or provider unless a request for proposals has been issued and no broadband carrier or provider has responded positively within 2 months or deployed broadband service within 14 months of the issuance of the request for proposals.

4 New Section; Extension From Debt Limit; Broadband Infrastructure. Amend RSA 33 by inserting after section 6-e the following new section:

33:6-f Exclusion From Debt Limit; Broadband Infrastructure. Municipalities may incur debt for broadband infrastructure as defined in RSA 38:38, I(e) by the issue of bonds or notes authorized under this chapter. Any debt incurred for this purpose shall be outside the debt limit prescribed in this chapter. Such debt shall at no time be included in the net indebtedness of any municipality for the purposes of determining its borrowing capacity.

5 Definitions; "Broadband Infrastructure" Added to Definition of "Revenue-Producing Facilities." Amend RSA 33-B:1, VI to read as follows:

VI. "Revenue-producing facilities" means water works, *broadband infrastructure as defined in RSA 38:38, I(e), purchased or constructed in areas not served by an existing broadband carrier or provider*, sewerage systems, sewage treatment or disposal facilities, solid waste disposal or resource recovery facilities, parking facilities, facilities for the production, generation, transmission, or distribution of electricity or gas and any other real or personal property or interests in a municipality or regional water district owned or controlled by the municipality or regional water district, from the operation of which revenues are or are expected to be derived by the municipality, or regional water district.

6 New Subdivision; Broadband Access. Amend RSA 38 by inserting after section 37 the following new subdivision:

Broadband Access

38:38 Broadband Access.

I. In this section:

(a) "Access tariff" means the fee charged on a monthly or annual basis to broadband carriers for access to the broadband infrastructure.

(b) "Areas not served" means any part of a municipality without a wireless or facilities based broadband service or a wireless or facilities based broadband service provider. Wireless shall not include subscription satellite service.

(c) "Broadband" means the transmission of information, between or among points specified by the user, with or without change in the form or content of the information as sent and received, at rates of transmission defined by the Federal Communications Commission as "broadband."

(d) "Broadband carrier" means any provider of broadband services, except aggregators of broadband services, as defined in section 226 of the 1996 Telecommunications Act.

(e) "Broadband infrastructure" means all equipment and facilities, including all changes, modifications, and expansions to existing facilities, as well as the customer premises equipment used to provide broadband, and any software integral to or related to the operations, support, facilitation, or interconnection of such equipment, including upgrades, and any installation, operations and support, maintenance, and other functions required to support the delivery of broadband.

(f) "Broadband service" means the offering of broadband for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(g) "Open network" means any broadband infrastructure which is open to any third party users in a nondiscriminatory manner on a fair and equitable basis using publicly available access tariffs for services.

(h) "Open network interfaces" means the technical and operational means, manners, and methods for any third party access to the broadband infrastructure, which shall be provided on the basis of generally acceptable industry standards available at the time of access.

II. A municipality may use its broadband infrastructure for the purpose of providing an open network and assuring that third party access is available in accordance with current state and federal regulations.

38:39 Broadband Access Tariffs. For defraying the cost of acquisition, construction, payment of the interest on any debt incurred, management, maintenance, operation, and repair of broadband infrastructure, or the construction, enlargement, or improvement of such systems, the governing body may establish a scale of rates called access tariffs, may prescribe the manner and the time for the payment of such tariffs, and may change such tariffs when it deems advisable.

38:40 Broadband Fund.

I. The funds received from the collection of access tariffs shall be kept as a separate fund to be known as the broadband fund. Such fund shall be allowed to accumulate from year to year, shall not be commingled with town or city tax revenues, and shall not be deemed part of the municipality's general fund accumulated surplus. Such fund may be expended only for the purposes specified in RSA 38:38, or for the previous expansion or replacement of broadband infrastructure.

II. Except when a capital reserve fund is established pursuant to paragraph III, all broadband funds shall be held in the custody of the municipal treasurer. Estimates of anticipated revenues and anticipated expenditures from the broadband fund shall be prepared and submitted to the governing body as a special warrant article as set forth in RSA 32, if applicable, and shall be included as part of the municipal budget submitted to the local legislative body for approval. Expenditures shall be within amounts appropriated by the local legislative body.

III. At the option of the local governing body, all or part of any surplus in the broadband fund may be placed in one or more capital reserve funds held in the custody of the trustees of trust funds pursuant to RSA 35:10. If such a reserve fund is created, then the governing body, may expend such funds pursuant to RSA 35:15 without prior approval or appropriation by the local legislative body, but all such expenditures shall be reported to the municipality pursuant to RSA 38:41. This paragraph shall not be construed to prohibit the establishment of other capital reserve funds for any lawful purpose relating to broadband access.

38:41 Broadband Fund Report. The governing body shall annually make a report of the broadband fund to the municipality showing the expenses and income of the fund, and all other material facts. This report shall be published in the annual report of the municipality.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill, in areas not served by an existing broadband carrier or provider:

I. Authorizes a county or municipality to issue bonds for broadband infrastructure.

II. Exempts broadband infrastructure bonds from municipal debt limits.

III. Authorizes municipalities to charge broadband access tariffs, to be kept in broadband funds and expended only for broadband infrastructure.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Rep. Giuda spoke against and yielded to questions.

Rep. Ober spoke against.

Rep. Patten spoke in favor.

(Deputy Speaker Weyler in the Chair)

Rep. Brundige spoke in favor.

Rep. Lund requested a roll call; sufficiently seconded.

YEAS 221 NAYS 118**YEAS 221****BELKNAP**

Clark, Charles
Millham, Alida
Thomas, John

Fitzgerald, James
Morrison, Gail
Tobin, William

Flanders, Donald
Nedeau, Stephen
Veazey, John

Heald, Bruce
Pilliod, James

CARROLL

Brown, Carolyn
McConkey, Mark

Buco, Thomas
Morrow, Harry

Chandler, Gene
Patten, Betsey

Knox, J David
Stevens, Stanley

CHESHIRE

Allen, Peter
Coates, Christopher
Emerson, Susan
Mitchell, Bonnie
Roberts, Kris

Butcher, Suzanne
Dexter, Judson
Espiefs, Peter
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Dunn, J Timothy
Foote, Sheila
Pratt, John
Tilton, Anna

Chase, William
Eaton, Daniel
Hunt, John
Richardson, Barbara
Weed, Charles

COOS

King, Frederick
Theberge, Robert

Merrick, Scott
Tholl, John Jr

Richardson, Herbert

Stohl, Eric

GRAFTON

Aguiar, James
Cooney, Mary
Maybeck, Margie
Solomon, Peter

Almy, Susan
Ham, Bonnie
McLeod, Martha
Ward, John

Benn, Bernard
Hammond, Lee
Mulholland, Catherine
Williams, Burton

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Allan, Nelson
Biundo, Michael
Carew, James
Cote, Peter
DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Harvey, Suzanne
Irwin, Anne-Marie
Kelly, Eugene Jr
Manney, Pamela
Movsesian, Lori
Pepino, Leo
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis

Baroody, Benjamin
Brundige, Robert
Chase, Claudia
Coughlin, Pamela
Dokmo, Cynthia
Essex, David
Goley, Jeffrey
Holden, Randolph
Jean, Claudette
Kopka, Angeline
Martin, Mary Ellen
O'Connell, Timothy
Pilotte, Maurice
Ross, Lawrence
Shaw, Barbara
Sullivan, Peter

Batula, Peter
Calawa, Leon Jr
Clemons, Jane
Craig, James
Dyer, Donald
Foster, Linda
Gorman, Mary
Hunter, Bruce
Judy, Jean
Lasky, Bette
Matarazzo, Anthony Sr
Palangas, Eric
Price, Pamela
Ryder, Donald
Shaw, Kimberly
Velez, Hector

Bergin, Peter
Campbell, David
Cote, David
Daniuk, Caitlin
Egbers, Fran
Gargas, Carolyn
Haley, Robert
Infantine, William
Johnson, Paula
Lessard, Rudy
Michon, Stephen
Pappas, Christopher
Rochette, Eric
Schulze, Joan
Smith, David
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
Danforth, James
French, Barbara
Kidder, David
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
Gile, Mary
Lockwood, Priscilla
Oliver, James
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Clarke, Claire
Foosse, Robert
Hamm, Christine
Maxfield, Roy
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Flanders, John Sr
Griffin, Mary
Johnson, Robert
Moody, Marcia
Rausch, James
Splaine, James
Wells, Roger

Asselin, Michael
Carson, Sharon
Dowd, John
Flockhart, Eileen
Hughes, Daniel
Katsakiores, George
Norelli, Terie
Rolston, James
Stone, Joseph
Zolla, William

Blanchard, MaryAnn
Casey, Kimberley
Dowling, Patricia
Forsing, Robert
Hutchinson, Karen
Kobel, Rudolph
O'Neil, Michael
Sanders, Elisabeth
Waterhouse, Kevin

Bridle, Russell
Charron, Gene
Fesh, Bob
Gould, Kenneth
Ingram, Russell
Langley, Jane
Powers, James
Serlin, Christopher
Welch, David

STRAFFORD

Bickford, David
Domingo, Baldwin
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Dunlap, Patricia
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Hofemann, Roland
Rollo, Michael
Snyder, Clair

Creteau, Irene
Johnson, Nancy
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Phinizz, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher

NAYS 118**BELKNAP**

Boyce, Laurie
Wendelboe, Fran

Rosen, Ralph
Whalley, Michael

Russell, David

Tilton, Franklin

CARROLL

Ahlgren, Christopher

Dickinson, Howard

Martin, James

Philbrick, Donald

CHESHIRE

Pelkey, Stephen

Sawyer, Sheldon

COOS

Lary, Bruce

Morneau, Renney

Remick, William

GRAFTON

Gionet, Edmond
Naro, Debra

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Buhlman, David
Crane, Elenore Casey
Golding, William
Hansen, Ryan
Hirschmann, Keith
McRae, Karen
Moran, Edward
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Maurice

Adams, Jarvis IV
Bergeron, Jean-Guy
Carter, Mark
Elliott, Nancy
Goyette, Peter Jr
Hawkins, Ken
Jasper, Shawn
Mead, Robert
O'Brien, William
Rowe, Robert
Tahir, Saghir
Wheeler, James

Balboni, Michael
Boehm, Ralph
Christensen, D L Chris
Francoeur, Bea
Graham, John
Hellwig, Steve
Kurk, Neal
Messier, Irene
Ober, Lynne
Scanlon, Michael
Ulery, Jordan

Barry, J Gail
Brassard, Paul
Christiansen, Lars
Gibson, John
Hall, Betty
Hinkle, Peyton
Lawrence, James
Mooney, Maureen
Reeves, Sandra
Slocum, Lee
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kennedy, Richard
Soltani, Tony

Currier, David
L'Heureux, Stephen

Field, William
Langlais, Thomas

Hess, David
Marple, Richard

ROCKINGHAM

Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Cady, Harriet	Camm, Kevin	Coburn, James	Cooney, Richard
Doyle, Christopher	Dumaine, Dudley	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Headd, James	Hopfgarten, Paul	Introne, Robert
Itse, Daniel	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Quandt, Marshall Lee	Quandt, Matthew	Scamman, Stella	Stiles, Nancy
Weare, E Albert	Winchell, George		

STRAFFORD

Albert, Russell	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Cilley, Jacalyn	Easson, Timothy	Kaen, Naida
Newton, Clifford	Twombly, James		

SULLIVAN

Osgood, Philip Sr Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

Reps. Keans and Nordgren did not vote and notified the Clerk that they wished to be recorded in favor.
Rep. Stepanek declared a conflict of interest and did not participate.

HB 695-FN, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John P. Dowd for the Majority of Municipal and County Government: The university system has a statutory tax exemption that has been in effect since the middle of the 1800s along with the tradition of not taxing state, local, county-owned property. The statutory tax exemption actually dates back to 1842 and has not been changed significantly since. There is recognition that the host communities do bear some costs for the university system but also reap many benefits. In order to be partners together in the public arena, the university system requested that the presidents of each university negotiate with their host communities and come up with an agreement or contract that would address the needs of both the community and the university – either in services supplied or payment in lieu of taxes. If there are differences of opinions, there is a permanent Public Higher Education Study Committee in RSA 187-A:28-a that shall examine the goals, purposes, organization, and financing of public higher education in New Hampshire, and shall evaluate and make recommendations on the university of New Hampshire, Plymouth State University, Keene State College, the Granite State College, and the Regional Community-Technical College System. This bill is the latest in a long line of bills attempting to do away with the tax exemption for Plymouth State University (PSU) properties. It is specific to the town of Plymouth and Plymouth State University. The bill is a ruse to negate a contract between the town of Plymouth and PSU, which was agreed to and unanimously signed by the selectmen of Plymouth in February 2002. The contract is in effect for a period of seven years. This agreement more than doubled the dollars in payment in lieu of taxes (to more than \$800K) that the university system pays the town from the previous contract. This is a local issue that should be settled locally. Vote 10-5.

Rep. Mary R. Cooney for the Minority of Municipal and County Government: The problem of the university system of New Hampshire buying property and thereby removing it from the tax roles varies in magnitude in different communities. In the small town of Plymouth, whose resident population is less than 3,000, the problem is greater than in a city or larger community. The issue is fairness and loss of local control in all host communities. Since the inception of the university system of New Hampshire, millions of dollars worth of property has been taken off the tax roles. This bill would not affect past property purchased, only future property. Presently, USNH host communities have no control over the university purchasing property, nor over what the university does with that property. The immediate effect is that the host community loses the tax revenue on that property but is still responsible for providing services to that property. Plymouth State University has a \$250 million dollar master plan which will require the purchasing of additional

property. The host communities have no control over the taking of property. This bill as amended would simply mitigate that impact by requiring the university to make a payment in lieu of taxes for 5 years, reducing the amount by 20% each subsequent year. The citizens of Plymouth at the town meeting have supported efforts to achieve a fairness in reimbursement agreements with the university. The select boards of the towns of Plymouth and Holderness, the city of Keene, along with the New Hampshire Municipal Association, gave written testimony in support of this bill. The state must recognize that the shifting of costs from USNH to local taxpayers has reached an untenable level. The provisions of this bill are reasonable and fair.

Rep. Mary Cooney spoke against.

Rep. Dowd spoke in favor.

On a division vote, 244 members having voted in the affirmative and 88 in the negative, the majority committee report was adopted.

Rep. Aguiar declared a conflict of interest and did not participate.

HB 317-FN, relative to mooring permits and fees. **OUGHT TO PASS WITH AMENDMENT.** Rep. Donald A. Brueggemann for Resources, Recreation and Development: The original bill set up a process whereby residents in a community could petition the Commissioner of the Department of Safety to have a lake or pond included in the moorings program which currently requires permits for moorings on the six largest lakes. Currently, lakes may be added only through legislative action and the committee felt strongly against delegating this authority. The portion of this bill that provided for increases in the mooring fee for those six lakes in the mooring program is being recommended in an effort to have the program support itself. The initial decal or permit would require a \$125 fee. The initial mooring permit requires a site visit. The annual renewal fee under this bill would be \$50 (up from \$25). The committee felt this increase was more than justified given the time and effort needed to coordinate and monitor the program. These fees are more in line with the actual cost of program to the state. Vote 20-1.

Amendment (0074h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to mooring fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Mooring of Boats on Public Waters; Annual Mooring Fee. Amend RSA 270:62, V to read as follows:

V. A fee of \$125 shall be charged for each initial decal issued pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a. An annual mooring fee of [~~\$25~~] \$50 shall be charged for each decal [~~issued~~] renewed pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill increases mooring fees.

Reps. O'Neil and Currier moved Recommit to committee and spoke in favor.

Motion adopted.

Recommitted to the committee on Resources, Recreation and Development.

SB 128-FN, relative to the establishment of emissions reduction standards as required by the Clean Power Act. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne M. Ober for Science, Technology and Energy: This bill, recognizing that no proven technology was currently available to achieve proposed reduction levels, provided for a cap and trade program as well as a mitigation program. The committee retained the bill until results were available from testing at the PSNH power plant, done under the direction of the Department of Environmental Services (DES). Testing results showed limited mercury reduction. The committee held numerous public hearings. DES, which originally requested this bill, now recommends legislation supporting the installation of scrubber technology by 2013 and legislation has been filed to support this new, revised request. Vote 9-5.

Rep. Phinzy spoke against and yielded to questions.

Rep. Ross spoke in favor.

(Speaker Scamman in the Chair)**MOTION TO LAY ON THE TABLE**

Rep. Ryan moved that ***SB 128-FN***, relative to the establishment of emissions reduction standards as required by the Clean Power Act, be laid on the table.

Rep. Clemons requested a roll call; sufficiently seconded.

YEAS 144 NAYS 195**YEAS 144****BELKNAP**

Heald, Bruce

Morrison, Gail

Nedeau, Stephen

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter

Butynski, William

Chase, William

Dunn, J Timothy

Espiefs, Peter

Parkhurst, Henry

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Merrick, Scott

Morneau, Renney

GRAFTON

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Gionet, Edmond

Ham, Bonnie

Hammond, Lee

Harding, A Laurie

Maybeck, Margie

Mirski, Paul

Mulholland, Catherine

Sokol, Hilda

Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey

Baroody, Benjamin

Batula, Peter

Beaulieu, Jane

Brassard, Paul

Calawa, Leon Jr

Campbell, David

Chase, Claudia

Christiansen, Lars

Clemons, Jane

Cote, David

Cote, Peter

Daniuk, Caitlin

Dokmo, Cynthia

Egbers, Fran

Elliott, Nancy

Essex, David

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Graham, John

Harvey, Suzanne

Hellwig, Steve

Hunter, Bruce

Irwin, Anne-Marie

Jean, Claudette

Johnson, Paula

Kopka, Angeline

Kurk, Neal

Lasky, Bette

Martin, Mary Ellen

Michon, Stephen

Movsesian, Lori

Palangas, Eric

Pappas, Christopher

Renzullo, Andrew

Rochette, Eric

Rosenwald, Cindy

Rowe, Robert

Schulze, Joan

Shaw, Barbara

Shaw, Kimberly

Smith, David

Stepanek, Stephen

Sullivan, Francis

Sullivan, Peter

MERRIMACK

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

DeJoie, John

DeStefano, Stephen

Foose, Robert

French, Barbara

Gile, Mary

Greco, Vincent

Hamm, Christine

Osborne, Jessie

Potter, Frances

Reardon, Tara

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Blanchard, MaryAnn

Casey, Kimberley

DiFruscia, Anthony

Flockhart, Eileen

Hopfgarten, Paul

Hughes, Daniel

Johnson, Robert

Kobel, Rudolph

Langley, Jane

Lund, Howie

Moody, Marcia

Norelli, Terie

Powers, James

Serlin, Christopher

Splaine, James

Welch, David

STRAFFORD

Albert, Russell	Brown, Jennifer	Brown, Lawrence	Cataldo, Sam
Cilley, Jacalyn	Domingo, Baldwin	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Snyder, Clair	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizz, James
Prichard, Stephen			

NAYS 195**BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Coates, Christopher	Dexter, Judson	Emerson, Susan	Footte, Sheila
Hogancamp, Deborah	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Aguiar, James	Giuda, Robert	Ingbretson, Paul	McLeod, Martha
Naro, Debra	Nordgren, Sharon	Solomon, Peter	Ward, John
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
DeVries, Betsi	Drisko, Richard	Dyer, Donald	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Hall, Betty	Hansen, Ryan	Hawkins, Ken
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Messier, Irene	Mooney, Maureen	Moran, Edward
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Ross, Lawrence	Ryder, Donald
Scanlon, Michael	Shattuck, Gilman	Slocum, Lee	Souza, Kathleen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hager, Elizabeth	Hess, David	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Oliver, James
Soltani, Tony	Tupper, Frank		

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Headd, James	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William

STRAFFORD

Bickford, David	Brown, Julie	Campbell, W Packy	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Easson, Timothy	Newton, Clifford
Twombly, James			

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
and the motion failed.			

The question now being adoption of the committee report.
Committee report adopted.

HB 645-FN, relative to fire-safe cigarettes. OUGHT TO PASS WITH AMENDMENT.

Rep. Steve Vaillancourt for Ways and Means: After passing the House by a 199-134 vote on March 9, 2005, this bill was referred to Ways and Means to study any possible fiscal impact should New Hampshire require that all cigarettes sold in the state be "fire safe." These cigarettes are manufactured so as to be more likely to go out if left unintentionally on a chair or sofa and thus reduce the potential for fires. After retaining the bill and studying it over the summer, the committee could find no evidence that there would be a fiscal impact. Cigarettes would not increase in price, and all indications are that these cigarettes would taste the same and smoke the same as cigarettes currently sold in the state. In fact, there is ample evidence that smokers will not even recognize the difference. The committee amendment does three things. While an exploration of the efficacy of these cigarettes in preventing fires was beyond the scope of the committee, it was agreed that "fire safer" would be a more appropriate name than "fire safe," lest anyone think that these cigarettes would be totally fire safe. So that no money will be spent developing standards for such cigarettes, the committee mandated that the New York safety standards be used. Vermont and California have passed legislation using this standard as well. The committee believes that a nationwide standard would be appropriate and that congress could mandate fire safer cigarettes in all 50 states. Since that does not appear likely any time soon, New Hampshire can join an increasing number of states which are passing such legislation. So as to make the transition a smooth one, the amendment gives the Commissioner of Safety, in consultation with the State Fire Marshal, until January 1, 2007 to adopt the standards and does not require that only "fire safer" cigarettes be available in New Hampshire until July 1, 2007. Vote 17-2.

Amendment (0064h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to fire-safer cigarettes.

Amend the bill by replacing all after section 1 with the following:

2 New Chapter; Trade and Commerce; Sale of Fire-Safer Cigarettes. Amend RSA by inserting after chapter 339-E the following new chapter:

CHAPTER 339-F**SALE OF FIRE-SAFER CIGARETTES**

339-F:1 Definitions. In this chapter:

I. "Cigarette" means any roll for smoking made wholly or in part of tobacco, and wrapped in any material except tobacco.

II. "Commissioner" means the commissioner of safety.

III. "Manufacturer" means any person engaged in the business of importing, exporting, producing, or manufacturing tobacco products who sells his or her product only to licensed wholesalers.

IV. "Retailer" means any person who sells tobacco products to consumers, and any vending machine in which tobacco products are sold.

V. "Sale" or "sell," means any transfer, whether by bargain, gift, exchange, barter, or otherwise.

VI. "Vending machine operator" means any person operating one or more tobacco product vending machines on property or premises other than his or her own.

VII. "Wholesaler" means any person doing business in this state who shall purchase all of his or her unstamped tobacco products directly from a licensed manufacturer, and who shall sell all of his or her products to licensed wholesalers, sub-jobbers, vending machine operators, retailers, and those persons exempt from the tobacco tax under RSA 78:7-b.

339-F:2 Rulemaking; Cigarette Fire-Safety Standards. Pursuant to RSA 541-A:3-b, the commissioner, in consultation with the state fire marshal, shall incorporate by reference the New York fire safety standards for cigarettes effective June 28, 2004 as amended, as the fire safety standards for cigarettes sold or offered for sale in this state.

339-F:3 Prohibited Sales.

I. On and after July 1, 2007, no cigarettes shall be sold or offered for sale in this state unless the manufacturer has certified in writing to the department of safety and the department of justice that such cigarettes meet the performance standards established under RSA 339-F:2. Copies of such written certifications shall be provided by the certifying manufacturer to all wholesale dealers and all agents.

II. The commissioner also shall adopt, by rule, procedures by which retail dealers are notified of which cigarettes have been certified by manufacturers as meeting the performance standards prescribed by the department of safety.

III. Nothing in this section shall be construed to prohibit any person or entity from selling cigarettes that have not been certified by the manufacturer in accordance with RSA 339-F:2 if such cigarettes are or shall be stamped for sale in another state or are packaged for sale outside the United States.

IV. No person shall sell tobacco products through a vending machine unless access to the machine is readily available or it is constructed so as to permit the commissioner, or his or her agent, to readily determine whether the packages of tobacco products being sold comply with the requirements of this chapter.

339-F:4 Penalties; Enforcement.

I. A person who violates this section shall be guilty of a violation for a first offense and a misdemeanor for each subsequent offense.

II. Any cigarettes sold, offered for sale, or possessed for sale in this state, in violation of RSA 339-F:3 shall be deemed contraband under RSA 78:16 and such cigarettes shall be subject to seizure and forfeiture, and all such cigarettes so seized and forfeited shall be destroyed and not resold.

339-F:5 Enforcement by Department of Justice. The department of justice may bring an action to enforce the criminal penalties in RSA 339-F:4 and to enjoin further acts in violation of this chapter. In any action brought pursuant to this section, the department shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney's fees.

3 Date for Adoption of Fire-Safety Standards. The commissioner of safety shall adopt the rules required under this chapter by January 1, 2007.

4 Access to Vending Machines. Amend RSA 78:2, III to read as follows:

III. No person shall sell tobacco products through a vending machine unless access to said machine is readily available or it is constructed so as to permit the commissioner, or his *or her* agent, to readily determine whether the packages of tobacco products being sold have proper stamps affixed to them which show payment of the tobacco tax imposed under RSA 78:7 *and whether they comply with RSA 339-F*.

5 Effective Date. This act shall take effect 60 days after its passage.
Amendment adopted.

The question now being adoption of the committee report.

Reps. Lund and Gibson spoke against.

Reps. Vaillancourt and Jasper spoke in favor.

Rep. Hinkle spoke against and yielded to questions.

Rep. Weare spoke in favor and yielded to questions.

Rep. Hinkle requested a roll call; sufficiently seconded.

YEAS 259 NAYS 73**YEAS 259****BELKNAP**

Clark, Charles
Millham, Alida
Russell, David

Fitzgerald, James
Morrison, Gail
Thomas, John

Flanders, Donald
Nedeau, Stephen
Tobin, William

Heald, Bruce
Pilliod, James
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Babson, David Jr
Martin, James
Stevens, Stanley

Brown, Carolyn
McConkey, Mark

Buco, Thomas
Morrow, Harry

CHESHIRE

Allen, Peter
Coates, Christopher
Espiefs, Peter
Pelkey, Stephen
Sawyer, Sheldon

Butcher, Suzanne
Dexter, Judson
Foote, Sheila
Richardson, Barbara
Tilton, Anna

Butynski, William
Dunn, J Timothy
Hunt, John
Roberts, Kris
Weed, Charles

Chase, William
Emerson, Susan
Parkhurst, Henry
Robertson, Timothy

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Merrick, Scott
Tholl, John Jr

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Almy, Susan
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Sorg, Gregory

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey
Bergin, Peter
Campbell, David
Clark, Mark
Coughlin, Pamela
DeVries, Betsi
Egbers, Fran
Gargas, Carolyn
Gorman, Mary
Hunter, Bruce
Jean, Claudette
Kurk, Neal
Manney, Pamela
Michon, Stephen
Palangas, Eric
Reeves, Sandra
Ryder, Donald
Slocum, Lee
Sullivan, Peter
Wheeler, Robert

Baroody, Benjamin
Brassard, Paul
Carter, Mark
Clemons, Jane
Craig, James
Dokmo, Cynthia
Emerton, Larry
Ginsburg, Ruth
Graham, John
Infantine, William
Johnson, Paula
L'Heureux, Robert
Martin, Mary Ellen
Mooney, Maureen
Pappas, Christopher
Rochette, Eric
Scanlon, Michael
Smith, David
Ulery, Jordan

Barry, J Gail
Brundige, Robert
Chase, Claudia
Cote, David
Crane, Elenore Casey
Drisko, Richard
Essex, David
Golding, William
Hall, Betty
Irwin, Anne-Marie
Kelly, Eugene Jr
Lasky, Bette
Matarazzo, Anthony Sr
Movsesian, Lori
Pilotte, Maurice
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen
Vaillancourt, Steve

Beaulieu, Jane
Calawa, Leon Jr
Christensen, D L Chris
Cote, Peter
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Goley, Jeffrey
Harvey, Suzanne
Jasper, Shawn
Kopka, Angeline
Lawrence, James
Messier, Irene
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Shattuck, Gilman
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Clarke, Claire
Field, William
Greco, Vincent

Blanchard, Elizabeth
Danforth, James
Foosse, Robert
Hager, Elizabeth

Bouchard, Candace
DeJoie, John
French, Barbara
Hamm, Christine

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Hess, David

Kidder, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

L'Heureux, Stephen
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Langlais, Thomas
Oliver, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Lockwood, Priscilla
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Casey, Kimberley
Dowd, John
Flanders, John Sr
Garrity, James
Hughes, Daniel
Kobel, Rudolph
McMahon, Charles
Powers, James
Serlin, Christopher
Waterhouse, Kevin
Winchell, George

Asselin, Michael
Cady, Harriet
Charron, Gene
Dowling, Patricia
Flockhart, Eileen
Gilbert, Karl
Ingram, Russell
Langley, Jane
Moody, Marcia
Rausch, James
Splaine, James
Weare, E Albert
Zolla, William

Bicknell, Elbert
Cali-Pitts, Jacqueline
Coburn, James
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Johnson, Robert
Major, Norman
Norelli, Terie
Rolston, James
Stiles, Nancy
Welch, David

Blanchard, MaryAnn
Camm, Kevin
Cooney, Richard
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Katsakiores, George
Mason, April
O'Neil, Michael
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

STRAFFORD

Albert, Russell
Brown, Lawrence
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Bickford, David
Chaplin, Duncan
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Twombly, James

Brown, Jennifer
Cilley, Jacalyn
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Julie
Creteau, Irene
Johnson, Nancy
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Osgood, Philip Sr

NAYS 73

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Rosen, Ralph

Tilton, Franklin

Veazey, John

CARROLL

CHESHIRE

COOS

Morneau, Renney

Theberge, Robert

GRAFTON

Gionet, Edmond
Ward, John

Giuda, Robert

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Carew, James
Goyette, Peter Jr
Hinkle, Peyton
McRae, Karen
Ober, Lynne
Shaw, Barbara

Allan, Nelson
Biundo, Michael
Christiansen, Lars
Hansen, Ryan
Hirschmann, Keith
Mead, Robert
Pepino, Leo
Stepanek, Stephen

Balboni, Michael
Boehm, Ralph
Elliott, Nancy
Hawkins, Ken
Holden, Randolph
Moran, Edward
Renzullo, Andrew
Tahir, Saghir

Batula, Peter
Buhlman, David
Gibson, John
Hellwig, Steve
Lessard, Rudy
O'Brien, William
Rowe, Robert
Wheeler, James

MERRIMACK

Kennedy, Richard

Marple, Richard

Soltani, Tony

ROCKINGHAM

Belanger, Ronald

Bettencourt, David

Bishop, Franklin

Carson, Sharon

DiFruscia, Anthony

Dumaine, Dudley

Headd, James

Hopfgarten, Paul

Hutchinson, Karen

Introne, Robert

Itse, Daniel

Lund, Howie

McKinney, Betsy

Nowe, Ronald

Quandt, Marshall Lee

Quandt, Matthew

Scamman, Stella

Weyler, Kenneth

STRAFFORD

Cataldo, Sam

Easson, Timothy

Newton, Clifford

SULLIVAN

Converse, Larry

Irish, Christopher

Phinizy, James

and the committee report was adopted.

Ordered to third reading.

SPECIAL ORDER

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sheila A. Foote for Children and Family Law: This bill will preclude private abuse or neglect petitions under RSA 169-C. The Division of Children, Youth and Families will become the sole petitioner in all cases of abuse and neglect. This bill is a consequence of the misuse of the process by individuals which has resulted in a wasteful drain of limited resources that could have been better used by DCYF. This bill does not prevent law enforcement officers from obtaining verbal or written court orders for taking protective custody or protective supervision of children and for the placement of children who are found to be in imminent danger. Vote 17-0.

Amendment (0121h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 Emergency Interim Relief; Petition Filed by Department of Health and Human Services. Amend RSA 169-C:6-a, IV to read as follows:

IV. If the court issues ex parte orders, the department [~~or law enforcement officer~~] shall file a petition meeting the requirements of RSA 169-C:7 within 72 hours of the issuance of the orders, excluding Sundays and holidays.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 485, relative to the basis for awarding custody to a stepparent or grandparent. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Beth Walz for the Majority of Children and Family Law: This bill attempted to make New Hampshire statutes consistent with state and federal court decisions. However, the committee believes that further changes are necessary to comport with Supreme Court decisions. Thus, the committee voted to send this bill to Interim Study to allow time to complete the work needed. Vote 10-3.

Rep. David J. Bettencourt for the Minority of Children and Family Law: The bill originally passed with amendment 17-0, then a week later was reconsidered. The minority strongly felt that the law allowing grandparents and stepparents to take custody away from parents during the parents' custody action is unconstitutional. The minority feels it is unwise to leave unconstitutional laws in statute. The interim study is directed toward an unrelated issue to solve court jurisdiction. We feel that issue should have come under a different bill.

Majority committee report adopted.

HB 590, excluding stepchildren from the definition of "child" in the context of support orders. **OUGHT TO PASS.**

Rep. David A. Bickford for Children and Family Law: This bill removes "stepchild" from the definition of "dependent child." It also amends RSA 546-A:1, Uniform Civil Liability for Support, that leaves stepchildren liable to support stepparents. Vote 10-5.
Committee report adopted and ordered to third reading.

HB 610-FN, relative to the right to trial by jury in parental rights termination cases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Stuart Gile for the Majority of Children and Family Law: This bill proposed that any person at risk of having parental rights terminated as defined in RSA 170-C:10, shall have the right to a trial by jury upon written request. The committee struggled to address key issues for both parents and children. The majority was concerned that the current process of reaching termination of parental rights decisions which protects the best interest of the child would be materially compromised. A jury trial could considerably lengthen the time before permanency could be achieved and result in additional costs for both state and counties. Also, there was no evidence presented that jury trials would improve outcomes.

Rep. Daniel C. Itse for the Minority of Children and Family Law: The minority believes that this is a clear New Hampshire Constitutional issue. The New Hampshire Supreme Court has held that parenting is an inherent and fundamental right under Part 1, Article 2. The minority believes that both Part 1 Article 15 and Article 20 require that parents have a right to trial by jury in termination of parental rights cases. Vote 9-6.

Majority committee report adopted.

SPECIAL ORDER

HB 203-FN, relative to the use of tracking devices in consumer products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sheila T. Francoeur for Commerce: This bill, as introduced, would have required informing a consumer either in writing or verbally of the presence of a tracking device (RFID) in any consumer article purchased. The committee recognized the privacy concerns with this type of device, but also understood the benefits this technology has for industry. The amendment balances the concern for privacy with future technological development by setting definitions, disclosure requirements and establishing a commission to track the development and implementation of this technology and its effects on the citizens of New Hampshire. Vote 19-0.

Amendment (0132h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation of tracking devices and establishing a commission on the use of tracking devices.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Regulation of Tracking Devices. Amend RSA by inserting after chapter 358-R the following new chapter:

CHAPTER 358-S REGULATION OF TRACKING DEVICES

358-S:1 Definitions.

I. "Consumer product" means a physical object that is, or is intended to be, used or consumed by a consumer and includes food, alcoholic and nonalcoholic beverages, and prescription and nonprescription drugs; clothing; merchandise; motor vehicles and their component parts; advertising and sales documents and literature; and books, magazines, and greeting and business cards. A "consumer product" does not include an identification document.

II. "Identification document" means any document or object containing personal information that an individual uses alone or in conjunction with any other information to establish his or her identity, to engage in government-regulated activities, or to engage in financial transactions. Identification documents shall include but shall not be limited to:

(a) Drivers' licenses, identification cards, and license plates issued by the director of the division of motor vehicles, department of safety;

(b) E-Z Pass transponders;

- (c) Identification cards or badges issued to employees or contractors;
- (d) Insurance benefit cards;
- (e) Identification cards issued by public and private schools and educational institutions;
- (f) Benefit cards issued in conjunction with any government-supported aid program;
- (g) Credit, debit, and financial account cards;
- (h) Licenses, certificates, registrations, or other means to engage in a business or profession regulated by the state or its political subdivisions; and
- (i) Library cards issued by any public library.

III. "Personal information" means information that can be used to identify an individual. Such information includes an individual's name, address, telephone and cellular telephone number, social security number, credit card and financial account numbers, driver's license number, e-mail address, date of birth, race, religion, ethnicity, nationality, political affiliation, photograph and digital image, fingerprint or other biometric identification, and any other unique personal identifier or number.

IV. "RFID" or "radio frequency identification" means technologies that use radio waves to identify individual physical objects.

V. "Tracking device" means any item or application that is passively or actively capable of transmitting unique identification or location information. Tracking devices shall include devices that use radio frequency identification technology; tracking device shall not include bar codes or similar markings that do not transmit information.

VI. "Universally accepted symbol" means a graphical system designed to provide a standard way to show the presence of an RFID transponder, its frequency, and data structure.

358-S:2 Labels Required; Consumer Products.

I. No consumer product or identification document, to which a tracking device or devices have been affixed or implanted, shall be sold or offered for sale or provided to a consumer without a label containing a universally accepted symbol. This requirement shall also apply to any packaging relating to an individual consumer product or identification document that may contain a tracking device. A single such label may be used on a product or identification document that contains more than one tracking device.

II. Identifying labels shall be affixed to the consumer product, identification document, or its packaging, by the entity that implants the tracking device in the product or by the entity that imports products that contain tracking devices.

358-S:3 Human Implantation Prohibited. No person shall implant or attempt to implant a tracking device into any individual without the informed, written consent of the individual, or an individual's legal guardian. No individual shall be offered an incentive, denied an opportunity, or in any way treated differently from any other individual as a consequence of providing or withholding such consent.

358-S:4 Restrictions on State Use of Tracking Devices.

I. The state or a political subdivision, department, or agency shall not issue, or permit others to issue on its behalf, any identification document that contains a tracking device or uses tracking devices to locate an individual, either directly or indirectly through other persons, except in the following circumstances:

(a) To locate a person who is incarcerated in the state prison or county jail, is housed in a mental health facility pursuant to a court order after having been charged with a crime, is subject to court-ordered electronic monitoring, or is a resident of a state or county hospital, nursing facility or assisted living facility;

(b) When the tracking device is implanted in an identification document that is to be used on a toll road or bridge owned or operated by the state or a political subdivision, department, or agency thereof, but only for the specific purpose of collecting funds for the use of that road or bridge; or

(c) To locate a state employee engaged in the performance of his or her official duties during normal working hours.

II. No identification document issued pursuant to this section shall contain, transmit, or enable the remote reading of any personal information other than a unique personal identifier number issued by the state.

358-S:5 Penalties.

I. Any person convicted of violating RSA 358-S:2 shall be guilty of a misdemeanor. Each such act shall constitute a separate offense.

II. Any person convicted of violating RSA 358-S:3 shall be guilty of a felony.

III. The state may bring suit for civil penalties for up to \$10,000, plus court costs and reasonable attorney's fees, for each violation of this chapter.

2 Commission on the Use of Tracking Devices.

I. There is hereby established a commission on the use of tracking devices. The commission shall study the use of tracking devices in government and business and monitor their effect on the economy and society.

II. The members of the commission shall be as follows:

(a) Three members of the house of representatives, including one member from the house commerce committee and one member from the house science, technology, and energy committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) Two members of the public, appointed by the governor.

(d) The attorney general, or designee.

(e) One member of the New Hampshire High Technology Council, appointed by such council.

(f) One member representing the Retail Merchants Association of New Hampshire, appointed by such association.

(g) One member representing the Business and Industry Association of New Hampshire, appointed by such association.

(h) One member representing the financial services industry, appointed by the New England Financial Services Association.

(i) One member representing consumer or privacy interests, appointed by the governor.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

V. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library annually on or before November 1 and shall submit a final report before dissolving on or before November 1, 2009.

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes labeling requirements for and prohibitions on the use of tracking devices and establishes a commission on the use of tracking devices.

Amendment adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

SB 211-FN, relative to pharmaceutical marketers, **REFER FOR INTERIM STUDY**.

Rep. Jane S. Langley for Commerce: This bill would require annual reports by the pharmaceutical manufacturers to be filed with the Secretary of State. The committee agreed that this is an important issue, but the bill as proposed would not accomplish a reduction in the cost of prescription drugs. With additional study it is hoped that will be accomplished. Vote 19-0.

Committee report adopted.

SPECIAL ORDER

HB 459, relative to access to criminal records and enhanced 911 system records and excluding information brokers from private detective licensing, **OUGHT TO PASS WITH AMENDMENT**.

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This was a housekeeping bill clarifying the access to criminal justice data for proper investigative purposes. It allows access to criminal justice information by persons who maintain the data base. This bill as originally written would have allowed unlimited access to criminal records by information brokers. This provision was removed by the amendment. Vote 14-0.

Amendment (2152h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to access to criminal records and enhanced 911 system records.

Amend the bill by replacing all after section 1 with the following:

2 Confidentiality of Enhanced 911 System Information and Records. Amend RSA 106-H:14 to read as follows:

106-H:14 Information not Subject to Right-to-Know Law. Any information or records compiled under this chapter shall not be considered a public record for the purposes of RSA 91-A. *Notwithstanding any provision of law to the contrary, the bureau shall only make information or records compiled under this chapter available to a law enforcement agency that requires the information or records for investigative purposes.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies that law enforcement personnel have access to criminal justice data for proper investigative purposes. The bill allows access to criminal justice information by persons who maintain the state criminal justice information database.

Amendment adopted.

Rep. Kurk offered floor amendment (0283h).

Floor Amendment (0283h)

Amend the bill by replacing section 2 with the following:

2 Confidentiality of Enhanced 911 System Information and Records. Amend RSA 106-H:14 to read as follows:

106-H:14 Information not Subject to Right-to-Know Law. Any information or records compiled under this chapter shall not be considered a public record for the purposes of RSA 91-A. *Notwithstanding any provision of law to the contrary, the bureau shall only make information or records compiled under this chapter available on a case-by-case basis to a law enforcement agency that requires the information or records for investigative purposes.*

Rep. Kurk spoke in favor.

Floor amendment (0283h) adopted.

Committee report as amended adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 258-L, relative to the terms of a collective bargaining agreement in a school district. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael B. Asselin for the Majority of Education: The majority of committee members believe that this bill will disrupt the school collective bargaining agreements by allowing school administrators to increase the salary/benefits of a teacher to retain them if they have received another offer of employment. Merit pay already addresses the issue of rewarding more qualified teachers. Vote 11-4.

Rep. Mark S. Carter for the Minority of Education: New Hampshire is experiencing growing teacher shortages. These shortages fall disproportionately on our poorer districts. The minority of the committee feels that something can and should be done about the shortages. The minority will put forward a floor amendment should the ITL recommendation of the committee majority be overturned by the House. The legislature should enable local school districts, so that they have the ability to negotiate to keep their best and most necessary teachers.

Majority committee report adopted.

SPECIAL ORDER

HB 249, relative to delivery of absentee ballots to city or town clerks. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith D. Hirschmann for Election Law: This bill was an attempt to make it more convenient to return a ballot to a town or city clerk by allowing a family member to hand-deliver the ballot. Testimony from the New Hampshire City and Town Clerks Association, opposing the bill, raised questions about proper identification and appropriate safeguards to maintain the integrity of the ballot. The Secretary of State was also concerned and opposed the bill. Vote 15-3.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. Hirschmann spoke in favor.

On a division vote, 181 members having voted in the affirmative and 138 in the negative, the committee report was adopted.

(Deputy Speaker Weyler in the Chair)**REGULAR CALENDAR (CONT'D.)**

HB 309-FN-A, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: This bill would have established a commission to revise, clarify, simplify and recodify laws relating to financial contribution and disclosure and conflicts of interest and create funding for same. The committee recommended ITL as SB 206 would pre-empt the work of such a commission by providing omnibus ethical legislation to fulfill this need. Vote 10-4. Committee report adopted.

HB 403, limiting permissible gifts to elected officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: This bill would have limited permissible gifts to elected officials to meals, tickets, and other non-cash items with a value of less than \$250 by incorporating this bill into SB 206, this action will yield a uniform omnibus ethics bill. Vote 10-4.

Rep. Cali-Pitts requested a roll call; sufficiently seconded.

YEAS 208 NAYS 106**YEAS 208****BELKNAP**

Boyce, Laurie	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Maybeck, Margie
Mirski, Paul	Naro, Debra	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Gibson, John	Golding, William	Goley, Jeffrey
Goyette, Peter Jr	Graham, John	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Holden, Randolph	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Pilotte, Maurice

Price, Pamela
Ross, Lawrence
Shaw, Barbara
Stepanek, Stephen
Wheeler, James

Reeves, Sandra
Rowe, Robert
Slocum, Lee
Sullivan, Francis
Wheeler, Robert

Renzullo, Andrew
Ryder, Donald
Smith, David
Ulery, Jordan

Rosenwald, Cindy
Scanlon, Michael
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard

Danforth, James
Hess, David
Langlais, Thomas
Oliver, James

Field, William
Kennedy, Richard
Lockwood, Priscilla
Soltani, Tony

Foose, Robert
Kidder, David
MacKay, James
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Headd, James
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
Quandt, Marshall Lee
Sanders, Elisabeth
Stone, Joseph
Winchell, George

Asselin, Michael
Bishop, Franklin
Carson, Sharon
DiFruscia, Anthony
Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Itse, Daniel
Langley, Jane
McMahon, Charles
Quandt, Matthew
Scamman, Stella
Waterhouse, Kevin
Zolla, William

Belanger, Ronald
Bridle, Russell
Charron, Gene
Dowd, John
Fesh, Bob
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Lund, Howie
Nowe, Ronald
Rausch, James
Scamman, W Douglas
Weare, E Albert

Bettencourt, David
Cady, Harriet
Coburn, James
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
O'Neil, Michael
Rolston, James
Stiles, Nancy
Welch, David

STRAFFORD

Albert, Russell
Chaplin, Duncan
Newton, Clifford

Bickford, David
Dunlap, Patricia
Twombly, James

Brown, Julie
Easson, Timothy

Cataldo, Sam
Kaen, Naida

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 106 BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Butcher, Suzanne
Dunn, J Timothy
Pelkey, Stephen
Tilton, Anna

Butynski, William
Eaton, Daniel
Richardson, Barbara
Weed, Charles

Chase, William
Espiefs, Peter
Roberts, Kris

Coates, Christopher
Parkhurst, Henry
Robertson, Timothy

COOS

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Mulholland, Catherine

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Chase, Claudia
Clemons, Jane	Cote, David	Craig, James	Daniuk, Caitlin
Egbers, Fran	Ginsburg, Ruth	Gorman, Mary	Hall, Betty
Harvey, Suzanne	Hirschmann, Keith	Irwin, Anne-Marie	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Messier, Irene	Michon, Stephen
Ober, Lynne	Rochette, Eric	Schulze, Joan	Sullivan, Peter
Vaillancourt, Steve			

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Yeaton, Charles

ROCKINGHAM

Cali-Pitts, Jacqueline	Casey, Kimberley	Flockhart, Eileen	Moody, Marcia
Norelli, Terie	Powers, James	Serlin, Christopher	Splaine, James

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the committee report was adopted.

Rep. Stone did not vote and notified the Clerk that he wished to be recorded in favor.

HB 589, establishing a committee to study gifts and political contributions. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: This bill would have established a committee to study gifts and political contributions and would duplicate the efforts on SB 206 that produced an omnibus ethics bill. Vote 11-3.

Committee report adopted.

HB 607-FN, relative to gifts to elected officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: This bill would have placed certain restrictions on gifts to elected officials. Its content was similar to HB 403 and is covered by SB 206. Vote 11-3.

Rep. Osborne requested a roll call; sufficiently seconded.

YEAS 202 NAYS 116

YEAS 202

BELKNAP

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Gionet, Edmond
McLeod, Martha
Sorg, Gregory

Giuda, Robert
Mirski, Paul
Ward, John

Ham, Bonnie
Naro, Debra
Williams, Burton

Maybeck, Margie
Solomon, Peter

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Boehm, Ralph
Campbell, David
Christiansen, Lars
Dokmo, Cynthia
Emerton, Larry
Graham, John
Hinkle, Peyton
Kelly, Eugene Jr
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Renzullo, Andrew
Scanlon, Michael
Stepanek, Stephen
Wheeler, James

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carew, James
Clark, Mark
Drisko, Richard
Gargas, Carolyn
Hansen, Ryan
Hirschmann, Keith
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Ross, Lawrence
Slocum, Lee
Sullivan, Francis
Wheeler, Robert

Balboni, Michael
Bergin, Peter
Buhlman, David
Carter, Mark
Coughlin, Pamela
Dyer, Donald
Golding, William
Hawkins, Ken
Holden, Randolph
L'Heureux, Robert
McRae, Karen
Moran, Edward
Price, Pamela
Rowe, Robert
Smith, David
Ulery, Jordan

Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Crane, Elenore Casey
Elliott, Nancy
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Mead, Robert
O'Brien, William
Reeves, Sandra
Ryder, Donald
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Greco, Vincent
Kidder, David
MacKay, James

Danforth, James
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard

Field, William
Hess, David
Langlais, Thomas
Oliver, James

Foose, Robert
Kennedy, Richard
Lockwood, Priscilla
Soltani, Tony

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Headd, James
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Asselin, Michael
Bishop, Franklin
Carson, Sharon
DiFrancia, Anthony
Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Itse, Daniel
Langley, Jane
McMahon, Charles
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Winchell, George

Belanger, Ronald
Bridle, Russell
Charron, Gene
Dowd, John
Fesh, Bob
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Lund, Howie
Nowe, Ronald
Rausch, James
Stiles, Nancy
Welch, David
Zolla, William

Bettencourt, David
Cady, Harriet
Coburn, James
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
O'Neil, Michael
Rolston, James
Stone, Joseph
Wells, Roger

STRAFFORD

Albert, Russell
Dunlap, Patricia
Twombly, James

Bickford, David
Easson, Timothy

Cataldo, Sam
Kaen, Naida

Chaplin, Duncan
Newton, Clifford

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

**NAYS 116
BELKNAP**

Morrison, Gail

CARROLL

Ahlgren, Christopher

Buco, Thomas

CHESHIRE

Butcher, Suzanne
Dunn, J Timothy
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Roberts, Kris

Chase, William
Espieffs, Peter
Robertson, Timothy

Coates, Christopher
Parkhurst, Henry
Tilton, Anna

COOS

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Hammond, Lee
Sokol, Hilda

Benn, Bernard
Harding, A Laurie

Bleyler, Ruth
Mulholland, Catherine

Cooney, Mary
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Chase, Claudia
Daniuk, Caitlin
Foster, Linda
Gorman, Mary
Irwin, Anne-Marie
Martin, Mary Ellen
Pilotte, Maurice
Shattuck, Gilman

Baroody, Benjamin
Clemons, Jane
DeVries, Betsi
Gibson, John
Hall, Betty
Johnson, Paula
Matarazzo, Anthony Sr
Rochette, Eric
Shaw, Barbara

Beaulieu, Jane
Cote, David
Egbers, Fran
Ginsburg, Ruth
Harvey, Suzanne
Kopka, Angeline
Michon, Stephen
Rosenwald, Cindy
Sullivan, Peter

Brassard, Paul
Craig, James
Essex, David
Goley, Jeffrey
Infantine, William
Lasky, Bette
Movsesian, Lori
Schulze, Joan
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
McMahon, Patricia
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
French, Barbara
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
Gile, Mary
Potter, Frances
Tilton, Joy
Williams, Robert

DeJoie, John
Hamm, Christine
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Cali-Pitts, Jacqueline
Norelli, Terie

Casey, Kimberley
Powers, James

Flockhart, Eileen
Serlin, Christopher

Moody, Marcia
Splaine, James

STRAFFORD

Brown, Jennifer
Creteau, Irene
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Domingo, Baldwin
Miller, Joseph
Smith, Marjorie

Brown, Lawrence
Hofemann, Roland
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Johnson, Nancy
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
and the committee report was adopted.

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinzy, James

Franklin, Peter
Prichard, Stephen

HB 470-FN-A, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth S. Hager for Finance: The juvenile diversion money is some of the most effective state money in New Hampshire. It is administered through the counties, so there is some local control and we know it keeps children out of our expensive institutions. This bill asked for an increase in the funds which a majority of the committee does not believe we can do right now. It also called for a study of the various programs and the Finance committee is committed to working with DHHS to look at the effectiveness of diversion services. Vote 13-7. Committee report adopted.

HB 638-FN, relative to county liability for payment of nursing home costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Finance: This bill deals with the county-state financial relationship. The counties have expressed a variety of concerns on this subject ever since the most recent major overhaul of the relationship in the 1990s. (SB 409, Ch. 388, Laws of 1998). As introduced, the bill returned the cost-sharing on non-federal Medicaid nursing home care from the current 50%-50% to the pre-1998 61% counties – 31% state, and it eliminated any cost-sharing by the counties for the home- and community-based care program. A subcommittee carefully examined these and other programs in which costs were shared between the counties and the state and considered a wide variety of options to change them in ways that were “revenue neutral.” Several options were presented to the full Finance Committee. However, none was satisfactory to a majority of the committee or to a majority of the counties. The committee amendment makes no change in the current county-state financial cost-sharing relationship. However, in addition to extending the current moratorium on new nursing home and rehabilitation beds until June 30, 2009, it provides two significant benefits to the counties. First, it requires the Department of Health and Human Services to seek a federal match for un-reimbursed nursing home costs paid by the counties and to pay such revenue, if obtained, to the counties. Second, it reversed the downshifting to the counties of certain costs imposed by the 2005-06 budget. These costs related to recipients of old age assistance and aid to the permanently and totally disabled, and would have cost county taxpayers approximately \$5.4 million from the anticipated biennium surplus to pay for the change. It is the committee’s understanding that work on the county-state financial relationship will continue in the next session through a variety of legislative vehicles. Vote 14-2.

Amendment (0250h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to county and state financing of nursing home services.

Amend the bill by replacing all after the enacting clause with the following:

1 Certificate of Need; Nursing Home Beds; Moratorium Extended. Amend RSA 151-C:4, III(a) to read as follows:

III.(a) No certificate of need shall be granted by the board for any nursing home, skilled nursing facility, intermediate care facility or rehabilitation facility from the effective date of chapter 310, laws of 1995, department of health and human services reorganization act, through the period ending [~~December 31, 2006~~] **June 30, 2009**, except that a certificate of need shall be issued for replacement or renovation of existing beds as necessary to meet life safety code requirements or to remedy deficiencies noted in a licensing inspection pursuant to RSA 151 or state survey and certification process pursuant to titles XVIII and XIX of the Social Security Act.

2 Rehabilitation Beds. Amend 2004, 260:27 to read as follows:

260:27 Health Services Planning and Review Board; Rehabilitation Beds and Services. Through the period ending [~~December 31, 2006~~] **June 30, 2009** unless sooner authorized by the general court, the health services planning and review board shall not authorize changes regarding the licensure or certification of any rehabilitation beds in any type of facility, shall not authorize the addition of any rehabilitation beds in any type of facility, and shall not grant any certificate of need related to the board’s administrative standards for comprehensive physical rehabilitation services. This section shall not prohibit the voluntary transfer of rehabilitation beds between 2 licensed health care facilities; provided, that any such transaction does not result in an increase in the number of any type of rehabilitation beds in the state.

3 New Paragraph; County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-b by inserting after paragraph VI the following new paragraph:

VII.(a) Any shortfall between the state audited Medicaid allowances incurred by the state's county operated ICF nursing homes and amounts otherwise reimbursed by federal 50 percent Medicaid matching funds or other income, shall be certified as a public expenditure and be eligible for additional federal funding match.

(b) The department of health and human services shall seek federal Medicaid assistance match for any state audited county nursing home Medicaid expense which is not fully reimbursed through rates. Any revenue realized through such a match shall be paid to the nursing homes which incurred the unreimbursed expense, provided, however, that no state general funds are expended directly or indirectly for this purpose.

4 County Nursing Homes; Local Medical Assistance Contribution. Amend RSA 167:18-f to read as follows:

167:18-f Local Medical Assistance Contribution. In addition to any other reimbursement required by law, each county shall, within 60 days from notice thereof, reimburse the public assistance fund at the rate of [~~\$27~~] \$6 per month for each recipient of old age assistance and [~~\$52~~] \$23 per month for each recipient of aid to the permanently and totally disabled for whom the county would be liable under the provisions of RSA 166, except that no reimbursement shall be required for any recipient for whom the county has an obligation under RSA 167:18-b.

5 Appropriation; Health and Human Services. The sum of \$5,400,000 for the biennium ending June 30, 2007 is hereby appropriated to the department of health and human services, for the purpose of funding the change to the local medical assistance contribution made in section 4 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 County Credit for Contributions. Any county reimbursement under RSA 167:18-f made from July 1, 2005 until June 30, 2006 which exceeds the rate for reimbursement provided in section 4 of this act shall be credited to the counties for the year ending June 30, 2006 for fulfilling the local medical assistance contribution.

7 Effective Date.

I. Section 4 of this act shall take effect July 1, 2005, at 12:01 a.m.

II. Sections 5 and 6 of this act shall take effect June 30, 2006.

III. The remainder of this act shall take effect July 1, 2006.

AMENDED ANALYSIS

The bill removes the increase in county payments for old age assistance and aid to the permanently and totally disabled. This bill also extends the moratoriums on nursing home and rehabilitation beds.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 670-FN-A, relative to the land and community heritage investment program. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for Finance: This bill was retained so that the budget process could be completed. It appropriated \$4 million in FY '06 and \$6 million in FY '07. In the budget, the Senate came up with the novel idea of dedicating the highway mitigation funds of \$3.5 million each year plus \$1.5 million or the same \$10 million. Highway fund monies are to be used to buy open space in the highway corridor towns or nearby. Most proponents of LCHIP do not acknowledge this \$3.5 million and insist that our appropriation is only \$1.5 million. This new idea has not had a fair demonstration. We should wait to see its effect before we change the funding sources. Vote 12-7. Committee report adopted.

Rep. Mirski declared a conflict of interest and did not participate.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: This bill includes employees of non-profit charitable organizations under the protection of the state's anti-discrimination employment law so claims can be investigated and resolved by the New Hampshire Commission for Human Rights, just like employees of for-profit employers. Exempt are clubs exclusively social, or fraternal or religious association, or corporation, if such club, association, or corporation is not

organized for private profit, as evidenced by declarations filed with the Internal Revenue Service, nor does it include any employer with fewer than six persons in its employ, but shall include the state and all political subdivisions, boards, departments, and commissions thereof. Vote 8-2.

Amendment (0595h)

Amend RSA 354-A:2, VII as inserted by section I of the bill by replacing it with the following:

VII. "Employer" does not include a club exclusively social, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit, as evidenced by declarations filed with the Internal Revenue Service, nor does it include any employer with fewer than 6 persons in its employ, but shall include the state and all political subdivisions, boards, departments, and commissions thereof.

Amendment adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 642-FN-L, relative to the regulation of home inspectors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W. Brundige for Municipal and County Government: The intent of this bill is to require the licensing of home inspectors to assure that New Hampshire consumers of home inspection services can rely on the competence of the home inspector. Currently there is no accountability for the home inspection industry except through the court system. The amendment to license home inspectors was mirrored after the plumbing and electrical licensing statutes. The committee does not routinely address licensing issues, but voted to support the concept of licensure. During our executive session the committee noted that this bill needs to go to the Executive Departments and Administration Committee to be sure that all the licensure requirements for home inspectors comply with the committee accepted standards. Vote 15-0.

Amendment (0141h)

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Home Inspectors. Amend RSA by inserting after chapter 329-A the following new chapter:

CHAPTER 329-B HOME INSPECTORS

329-B:1 Purpose. The purpose of this chapter is to protect the people of the state of New Hampshire by requiring the licensing of home inspectors to assure that consumers of home inspection services can rely on the competence of a home inspector.

329-B:2 Definitions. In this chapter:

I. "Apprentice" means any person who is engaged in learning and assisting in home inspection under an apprenticeship program acceptable to the board.

II. "Board" means the board of home inspectors, established by RSA 329-B:3.

III. "Home inspection" means a visual analysis for the purposes of providing a professional opinion of the condition of a residential building and its related structures, any reasonably accessible installed components and the operation of the building systems, including the controls normally operated by the owner, for the following components of a residential building of 4 units or less: heating system, electrical system, cooling system, plumbing system, structural components, foundation, roof covering, exterior and interior components and site aspects as they affect the building. Home inspection shall not require identifying concealed conditions or latent defects.

IV. "Home inspector" means any person who is licensed by the board as a home inspector and who engages in the business of performing home inspections and writing home inspection reports.

V. "Home inspection" report means a written report prepared by a home inspector for compensation and issued after a home inspection. The inspector shall report:

(a) On those systems and components inspected which, in the professional opinion of the inspector, are significantly deficient or are near the end of their service lives.

(b) A reason why, if not self-evident, the system or component is significantly deficient or near the end of its service life.

(c) The inspector's recommendations to correct or monitor the reported deficiency.

(d) Any systems and components designated for inspection which were present at the time of the inspection but were not inspected, and a reason they were not inspected.

VI. "Residential building" means a structure consisting of from one to 4 family dwelling units, and including a single-family home, a multifamily dwelling, manufactured housing as defined in RSA 384:16-d, II, and any single family condominium unit, wholly or partly used or occupied, or intended to be used or occupied, as the home or residence of one or more persons.

329-B:3 Board.

I. There shall be a board of home inspectors, consisting of 5 members, including 2 home inspectors, one real estate broker licensed under RSA 331-A, one attorney licensed to practice in this state, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 4 years. No member of the board shall be appointed to more than 2 terms.

II. The public member of the board of home inspectors shall be a person who is not, and never has been, a home inspector or the spouse of a home inspector, and who does not have, and never has had, a material financial interest in either the provision of home inspection services or an activity directly related to the home inspection profession at any time during the 5 years preceding appointment.

III. The board shall be an administratively attached agency, under RSA 21-G:10, to the department of state.

329-B:4 Compensation and Expenses. Members of the board shall each be allowed the sum of \$30 per day and their necessary traveling expenses incurred in carrying out their official duties.

329-B:5 Organization and Meetings. The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as the rules of the board may provide. The board shall annually elect a chairperson and a vice-chairperson from among its members. A quorum of the board shall consist of not less than 3 members, at least one of whom shall be a public member.

329-B:6 Fees. The board shall establish fees for examination of applicants, for licensure and for renewal of licensure to practice under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

329-B:7 Receipts and Disbursements. The board shall receive and account at least monthly for all moneys derived under the provisions of this chapter, and shall pay the same to the state treasurer. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures from this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this chapter. Under no circumstances shall the total amount of payments made hereunder exceed the amount of the fees collected hereunder. Any balance in the account shall lapse at the end of each fiscal year.

329-B:8 Examinations. The board shall have authority to examine and license home inspectors. When issued, such license shall be valid throughout the state, and the licensee shall be entitled to perform the work of a home inspector anywhere within the state without any payment or additional fee. Each applicant for a license shall present to the board on a blank furnished by the board a written application for license, containing such information as the board may require, accompanied by the required fee. Such examinations shall be held at such times and places as the board shall determine. The scope of such examinations and the methods of procedure shall be prescribed by the board.

329-B:9 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The design and content of all forms and applications required under this chapter.

II. The application procedure for a license to practice under this chapter.

III. The qualifications of applicants in addition to those requirements set under this chapter.

IV. How an applicant shall be examined, including the time, place, type and form of the examination.

V. The disposition of examinations, including provision of test results to examinees.

VI. How a license to practice under this chapter shall be renewed, including the requirements for continuing education.

VII. The establishment of all fees required under this chapter.

VIII. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards.

IX. The training and experience requirements of home inspectors, and of apprentices.

X. Procedures for the conduct of hearings consistent with the requirements of due process.

329-B:10 License Criteria.

I. No person shall provide, nor present, call or represent himself or herself as able to provide a home inspection for compensation unless licensed in accordance with the provisions of this chapter. No business entity may provide home inspection services unless each of the home inspec-

tors employed by the business entity is licensed in accordance with the provisions of this chapter. No business entity may use, in connection with the name or signature of the business entity, the title "home inspectors" to describe the business entity's services, unless each of the home inspectors employed by the business entity is licensed in accordance with the provisions of this chapter.

II. To be eligible for a license as a home inspector, an applicant shall fulfill the following requirements:

(a) Be of good moral character.

(b) Have successfully completed high school or its equivalent.

(c) Have completed a course of study of no less than 80 hours that covers all of the following components of a residential building of 4 units or less: heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof covering, exterior and interior components and site aspects as they affect the building.

(d) Have acquired the required training and experience requirements as established by the board.

329-B:11 Expiration and Renewal. Notwithstanding any outstanding license to the contrary, all licenses issued by the board shall expire on the last day of the month of the licensee's birth, but may be renewed during the following month, retroactive to the first day of the month. The fee for renewal of all licenses issued under this chapter shall be established by the board. Upon failure to pay the renewal fee within the required period, a licensee may renew his or her license by submitting the required fee plus \$10 before the last day of the second month following the month of his or her birth. Any application received thereafter shall be rejected, unless accompanied by proof of successful completion of the examination required under RSA 329-B:8. A licensed home inspector shall complete at least 20 hours of board approved continuing education during each calendar year in order to maintain his or her license.

329-B:12 Exclusions. A licensed home inspector shall not be required to perform any action or make any determination unless specifically required by lawful authority. Inspectors are not required to determine:

I. The condition of systems or components which are not readily accessible.

II. The remaining life of any system or component.

III. The strength, adequacy, effectiveness or efficiency of any system or component.

IV. The causes of any condition or deficiency.

V. The methods, materials, or costs of corrections.

VI. Future conditions including, but not limited to, failure of systems and components.

VII. The suitability of the property for any specialized use.

VIII. Compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.).

IX. The market value of the property or its marketability.

X. The advisability of the purchase of the property.

XI. The presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms or diseases harmful to humans.

XII. The presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water and air.

XIII. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.

XIV. The operating costs of systems or components.

XV. The acoustical properties of any system or component.

329-B:13 Reciprocity. Upon payment to the board of a fee and the submission of a written application form provided by the board, the board shall issue a home inspector license to any person who holds a valid license, certificate, or registration issued by another state or possession of the United States or the District of Columbia that has standards substantially equivalent to, or exceeding, those of this state, as determined by the board.

329-B:14 Persons Not Required to be Licensed. Nothing in this chapter prevents:

I. A person who is employed by a governmental entity from inspecting residential buildings if the inspection is within official duties and responsibilities.

II. A person from performing a home inspection if the inspection will be used solely by a bank, savings and loan association or credit union to monitor progress on the construction of a residential structure.

III. A person who is employed as a property manager for a residential structure and whose official duties and responsibilities include inspecting the residential structure from performing an inspection on the structure if the person does not receive separate compensation for the inspection work.

IV. A person who is regulated in another profession from acting within the scope of that person's license, registration or certification.

329-B:15 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter;

(b) Conviction of a felony or any offense involving moral turpitude;

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this chapter;

(f) Mental or physical incompetency to practice under this chapter;

(g) Willful or repeated violation of the provisions of this chapter; or

(h) Suspension or revocation of a license, similar to one issued under this chapter, in another jurisdiction and not reinstated.

III. The board may take disciplinary action in any one or more of the following ways:

(a) By reprimand;

(b) By suspension, limitation or restriction of license or certification for a period of up to 5 years;

(c) By revocation of license or certification;

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient;

(e) By requiring the home inspector to obtain insurance against loss, expense and liability resulting from errors and omissions or neglect in the performance of services as a home inspector; or

(f) By requiring the home inspector to file with the board a bond that is furnished by a company authorized to do business in this state and is in the amount approved by the board.

329-B:16 Prohibited Acts. A licensed home inspector shall be prohibited from the following:

I. Performing or offering to perform, for an additional fee, any repairs to a structure on which the inspector, or the inspector's company, has prepared a home inspection report in the past 12 months, except that a home protection company that is affiliated with or that retains a home inspector does not violate this section if it performs repairs pursuant to a claim made under a home protection contract.

II. Inspecting for a fee any property in which the inspector, or the inspector's company, has any financial interest or any interest in the transfer of the property.

III. Offering or delivering any compensation, inducement or reward to the owner of the inspected property, the broker or agent, for the referral of any business to the inspector or the inspection company.

IV. Accepting an engagement to make an inspection or to prepare a report in which the inspection itself, or the fee payable for the inspection, is contingent upon either the conclusions in the report, preestablished findings, or the close of escrow.

329-B:17 Liability of Home Inspectors.

I. An action to recover damages for any act or omission of a home inspector relating to a home inspection that he or she conducts may only be commenced within 1 year after the date that a home inspection is completed.

II. Only a client and no other party shall have an action to recover damages arising from a home inspection or a home inspection report.

329-B:18 Appeals. Any person affected by a final decision of the board may appeal such final decision pursuant to RSA 541.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes the licensure of persons providing home inspection services and the regulation of such persons by a board of home inspectors.

Rep. Patten yielded to questions.

On a division vote, 201 members having voted in the affirmative and 113 in the negative, the committee amendment was adopted.

On a division vote, 187 members having voted in the affirmative and 126 in the negative, the committee report was adopted.

Referred to the committee on Executive Departments and Administration.

Rep. Mirski declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D.)

HB 91-FN, repealing the local property tax exemption for wooden poles and conduits. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for Ways and Means: This bill is the exact opposite of SB 11 which was thoroughly agreed and passed last year. The majority of the committee agreed that the issue should only be raised once in a term, at most. Vote 11-5.

Committee report adopted.

SPECIAL ORDER

HB 524, relative to outsourcing of jobs. **INEXPEDIENT TO LEGISLATE.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: While the intent is laudable, this bill would be grossly punitive and contrary to the accepted reality of globalization which in fact can result in substantial cost savings and job savings if offshore sourcing is managed rather than repudiated. This bill's provisions would not prevent large companies from dropping New Hampshire as a market, and could cause greater loss of jobs if passed. Vote 10-0.

Rep. Infantine moved Recommit to committee.

Motion adopted.

Recommitted to the committee on Labor, Industrial and Rehabilitative Services.

COMMITTEE APPOINTMENTS

The Speaker appointed the following members to the Joint Committee for House Address 1:

Reps. Dokmo, Mooney, Sheila Francoeur, Kurk, Shurtleff and Pratt.

SPECIAL ORDER

Without objection, the Speaker Special Ordered the remaining bills on today's calendar to February 1, 2006.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 1, 2006 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1184, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities.

HB 1248 FN, relative to the alteration of a portion of the town line between Milford and Amherst.

HB 1262, legalizing actions taken at town meeting relative to increasing the board of selectmen from 3 members to 5 members in the town of Pittsfield.

HB 1402, establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use, and establishing a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land.

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

HB 645-FN, relative to fire-safer cigarettes.

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act.

HB 590, excluding stepchildren from the definition of "child" in the context of support orders.

HB 203-FN, relative to the regulation of tracking devices and establishing a commission on the use of tracking devices.

HB 459, relative to access to criminal records and enhanced 911 system records.

HB 638-FN, relative to county and state financing of nursing home services.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination.

UNANIMOUS CONSENT

Rep. Houde-Quimby addressed the House.

PERSONAL PRIVILEGE

Reps. Mirski and Craig addressed the House.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 5:25 p.m.

RECESS

(Speaker Scammann in the Chair)

COMMITTEE ASSIGNMENT

Rep. David W. Hess, on Health, Human Services and Elderly Affairs.

SENATE MESSAGES

CONCURRENCE

HB 406, revising certain provisions of the home education statutes.

HB 505, relative to recording mailing addresses on property deeds.

NONCONCURRENCE

HB 66, regulating mandatory overtime for nurses and assistants.

HB 365, relative to recount fees.

HB 372, relative to notification of interested parties in medical parole cases.

HB 533-FN, relative to penalties for aggravated felonious sexual assault.

HB 696-FN, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.

CONCURRENCE WITH AMENDMENTS

SB 72, relative to the licensing of public adjusters.

SB 175, requiring insurance coverage for certified midwives.

SCR 3, relative to the Boys Scouts of America.

RECESS

(Rep. Easson in the Chair)

RESOLUTION

Rep. Dickinson offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1765, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 1765-FN-A-L, appropriating matching funds for disaster relief resulting from the October 2005 floods. (Gibson, Hills 19; Parkhurst, Ches 4; Phinizy, Sull 5; Essex, Hills 1; D. Eaton, Ches 2; Eaton, Dist 10; Burling, Dist 5: Finance)

RECESS**(Speaker Scamman in the Chair)****RESOLUTION**

Rep. Wendelboe offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1766 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 1766, relative to the duties of the state board of education concerning educating pupils on AIDS and venereal diseases. (Balboni, Hills 21; Hagan, Hills 17; Newton, Straf 1; Ingbreton, Graf 5: Education)

RECESS**(Speaker Scamman in the Chair)****RESOLUTION**

Rep. Price offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1767 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor. (D. Eaton, Ches 2; Phinizy, Sull 5; Pratt, Ches 2; Hager, Merr 12; Hogancamp, Ches 4; Odell, Dist 8: Finance)

RECESS**(Rep. Reeves in the Chair)****RESOLUTION**

Rep. Weyler offered the following: **RESOLVED**, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bills numbered 1768 and 1769, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.
Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 1768-FN, relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the Supreme Court. (Mead, Hills 4; Rowe, Hills 6; O'Brien, Hills 4; Sorg, Graf 3; Elliott, Hills 19; Giuda, Graf 5; Roberge, Dist 9; Boyce, Dist 4: Judiciary)

HB 1769, relative to insurance records required for market conduct purposes. (Rodeschin, Sull 2; Infantine, Hills 13; McRae, Hills 7; Odell, Dist 8: Commerce)

RECESS**(Speaker Scamman in the Chair)**

Rep. O'Neil moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 3

Wednesday, February 1, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

God of transcendence and God of the particulars, we pause at the beginning of this day to ask Your presence in our midst. More truthfully, we ask Your help in opening our minds and our work to Your presence. Shape our agendas to match Your agenda. Help us to discern, even in the midst of engaging discussions around education funding, sex education, voter issues and speed limits, that You are as much in the details as in the generalities. We pray for a spirit of teamwork, but if wrestling is needed of us, let it be authentic, charitable, and an experience which leaves all feeling that we were truly heard and honestly blessed.

As we work away in this chamber, we lift up to Your care those here in our midst who are suffering or are troubled by life challenges. We offer up those of our friends and family members whose joys and concerns we carry in our hearts. And we lift up those whose stories of homelessness, addiction, poverty and illness would be far more to bear than we can imagine. All this we pray in gratitude for our many blessings. Amen.

Rep. Ronald J. Nowe, member from Epping, led the Pledge of Allegiance.

The National Anthem was sung by Cynthia Downs, a 12th grade student from Spaulding High School in Rochester.

LEAVES OF ABSENCE

Reps. Barker, Carlson, Gillick, Hunter, Palangas, Phinizy, Putnam, Reardon, Snyder, Weldy and Wiley, the day, illness.

Reps. Bleyler, Callaghan, Egbers, Goodwin, Introne, Manning, Priestly, Rochette, Ross, and Zolla, the day, important business.

Rep. MaryAnn Blanchard, the day, illness in the family.

INTRODUCTION OF GUESTS

The sixth grade class from Plainfield, guests of the Plainfield delegation. Judith Houde-Quimby and Cooper Hardy, daughter and grandson of Rep. Houde-Quimby. Michael Hoefer, guest of Rep. Barbara Hull Richardson. Jeanne Stapleton, guest of Rep. Tholl. Students of the 4th grade class from Peter Woodbury School in Bedford, guests of the Bedford delegation.

SENATE MESSAGE**NONCONCURS WITH AMENDMENT****REQUESTS COMMITTEE OF CONFERENCE**

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission.

The President appointed Sens. Clegg, Boyce and Larsen.

Rep. Whalley moved that the House accede.

Adopted.

The Speaker appointed Reps. Whalley, O'Brien, O'Neil and Craig.

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1557, establishing guidelines for leaving children home alone and establishing babysitter age guidelines, removed by Rep. L. Christiansen.

HB 1238-FN, relative to centralized voter registration database information, removed by Rep. Kurk.

CACR 31, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor, removed by Rep. DiFruscia.

HB 1183, relative to the terms of office for state department commissioners, removed by Rep. Hellwig.
HB 1456-FN, relative to licensure of septic system inspectors, removed by Rep. Bergin.
HB 1108, relative to the transfer of funds among PAU's within a department, removed by Rep. Hellwig.
HB 1269, relative to the taking of red deer or elk, removed by Rep. R. L'Heureux.
HB 1294, relative to antique snowmobiles, removed by Rep. R. L'Heureux.
HB 1160, establishing a committee to study the effects of willful, habitual misconduct by individuals on their subsequent well-being which may impose a burden on public funds, removed by Rep. Hellwig.
HB 1230-FN, relative to clinical trials for pharmaceuticals, removed by Rep. DeJoie.
HB 1318, relative to prohibiting services for illegal immigrants, removed by Rep. Buhlman.
HB 1409-FN, relative to organ and tissue donation, removed by Rep. Kurk.
HB 1654, relative to the probate court mediation fund and fee, removed by Rep. Mirski.
HB 1321, relative to qualifications for police chiefs in towns with populations of more than 3,000, removed by Rep. Solomon.
HB 1255, establishing a committee to study improvements to the Amoskeag Street interchange at exit 6 of the F.E. Everett Turnpike, removed by Rep. Hirschmann.
HB 1619-FN, relative to a certain toll plaza in Merrimack, removed by Rep. Mooney.
CACR 38, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes, removed by Rep. DiFruscia.
HB 1473-FN-A, temporarily reducing the road toll, removed by Rep. Hagan.
HB 1599, reducing the rate of the business profits tax and repealing the business enterprise tax, removed by Rep. Hellwig.
 Consent Calendar adopted.

CONSENT CALENDAR

HB 1135, making a technical correction to the Uniform Interstate Family Support Act. **OUGHT TO PASS.**

Rep. Harriet E. Cady for Children and Family Law: The bill corrects 2 clerical errors in the Uniform Interstate Family Support Act. RSA 546-B:47-52. Since the statutory references to the procedure for registering and modifying a child support order in another state were now corrected, the committee voted ought to pass. Vote 13-0.

HB 1202, relative to the minimum age required for marriage. **REFER FOR INTERIM STUDY.**
 Rep. Mary Stuart Gile for Children and Family Law: This bill proposes to increase the minimum age required for marriage to 16. Current NH law allows males of 14 years and females of 13 years to marry with parental consent. A review of data for 2000-2004 indicated 6 teenagers married in that five year period. The committee felt the bill needs more work and following a review of marriage laws in the U.S.A by age, voted to refer to Interim Study. Vote 14-1.

HB 1214, establishing a task force to identify and assess community-based, educational and social/human services programs that serve families with children 8 years of age and younger. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eileen C. Flockhart for Children and Family Law: Up to date and accurate data on these programs is essential to the committee in developing policies. Vote 12-0.

Amendment (0555h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established. There is established a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

2 Membership and Compensation.

I. The members of the study committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the children and family law committee, one of whom shall be a member of the education committee, and one of whom shall be a member of the health, human services and elderly affairs committee.

(b) Two members of the senate, appointed by the president of the senate.

II. Members of the study committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The study committee shall identify and assess all community-based, educational and social/human services programs that serve families with children 8 years old and younger.

I. For each program, the study committee shall identify:

(a) The entity responsible for administering and funding the program, such as a mental health center, hospital, church, school, or state or local government agency, and an indication of whether the responsible entity is private or public, and its source of governance or statutory authority, if any.

(b) The program's stated mission and whether the program's focus is primarily education, prevention, intervention, or therapy.

(c) Funding sources, and an indication of whether the program is a for-profit program or a nonprofit program.

(d) Eligibility criteria for the program.

(e) The number of parent and child participants in the program.

(f) The program's location and catchment area.

(g) The program's methods of evaluation and accountability.

(h) Any additional data that the committee deems necessary.

II. The study committee shall use the information identified to assess the degree to which existing programs are able to meet the needs of families with children 8 years old and younger and to increase awareness and understanding of existing programs.

III. The committee shall solicit information and testimony from such organizations and individuals as may assist the committee in the performance of its duties, including but not limited to the following:

(a) The division for children, youth, and families, department of health and human services.

(b) The division of family assistance, department of health and human services.

(c) The division of public health services, department of health and human services.

(d) The department of education.

(e) Family Support NH.

(f) Early Learning NH.

(g) The New Hampshire Association for the Education of Young Children.

(h) Child and Family Services.

(i) Community Bridges.

(j) The New Hampshire Council of Churches.

(k) The university system of New Hampshire.

(l) The New Hampshire Children's Trust Fund.

4 Chairperson. The members of the study committee shall elect a chairperson from among the members. The first meeting of the study committee shall be called by the first-named house member. The first meeting of the study committee shall be held within 45 days of the effective date of this section.

5 Report. The study committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library. The committee shall file an interim report on or before November 1, 2006 and a final report on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

HB 1285, making certain technical corrections to the adoption statute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K. McRae for Children and Family Law: This bill makes certain technical changes to the language in the adoption statute. For example, "consent" instead of "agree." The bill also clarifies inheritance rights and privileges. The amendment removes language from the putative father registry. Vote 11-1.

Amendment (0379h)

Amend the bill by replacing RSA 170-B:6, I(c)(2) as inserted by section 2 of the bill with the following:

(2) In New Hampshire, the registration form shall be supplied by the office of child support services.

HB 1363, relative to financial statements used to determine child support obligations. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Children and Family Law: The committee felt that the bill raised too many questions, which in turn led to a discussion of the unintended consequences of a three year look back. The bill was fraught with problems of inequities in its intended implementation. Vote 12-0.

HB 1396, relative to competency of juvenile offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. David J. Bettencourt for Children and Family Law: The committee unanimously found this legislation inexpedient to legislate per the request of the sponsor. The sponsor cited several flaws within the bill that were brought to his attention by the Department of Justice. The sponsor was told that concerns would be addressed only by extensive rewording by those who desired the legislation. Vote 14-0.

HB 1545, requiring mediation as part of participation in a juvenile diversion program. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Children and Family Law: The committee felt that mediation has to be voluntary and therefore, juveniles cannot be required to participate in mandatory mediation. There was also testimony that mediation was regularly being used where appropriate. Vote 12-0.

HB 1252, authorizing the use of a credit freeze as a means of deterring identity theft. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen B. Stepanek for Commerce: The prime sponsor requested that this bill be withdrawn because an identical bill has been introduced in the Senate. The committee agreed to that and will wait for the Senate bill to study the issue. Vote 17-0.

HB 1413-FN, relative to daylight saving time. **INEXPEDIENT TO LEGISLATE.**

Rep. Kathleen N. Taylor for Commerce: This bill would declare that daylight saving time in New Hampshire shall be two hours in advance of United States Standard Eastern Time, rather than one hour in advance of EST. The committee feels that changing the hours of daylight savings time by two hours rather than one hour would have to be done on a regional or national level. It would not be feasible to have a separate time zone just for New Hampshire. Vote 15-1.

HB 1607-FN, relative to reckless endangerment of roadway workers. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was introduced as the result of one cited instance in which a D. O. T. road crew was doing routine maintenance beside the interstate. It was a "rolling work zone" so called, meaning no signs or other warning devices were in use. As the workers completed a task, which in this instance, consisted of painting an arrow on pavement to locate storm drains, they would drive a short distance to the next drain, exit the truck and paint the next drain. A vehicle coming down the road veered into the breakdown lane. As was the accepted practice, one of the workers was over the guardrail watching for just such an occurrence and gave timely warning to his co-worker enabling him to get over the guardrail. The vehicle struck the highway vehicle in the rear. It was determined that the driver had been confused. As written, this bill would not have made any difference in reducing the risk as the driver of the car was not driving recklessly. Further, the highway workers were in violation of RSA 265:6-a by not posting signs at the work zone. Because current laws provide penalties for reckless operation, the committee feels this law is unnecessary. Vote 16-1.

HB 1623-FN, relative to harm or threats to public officials. **INEXPEDIENT TO LEGISLATE.**

Rep. James H. Oliver for Criminal Justice and Public Safety: This bill is the result of a N.H. Supreme Court Committee on Court Security. This bill amends a paragraph to RSA 640:3. The Senate has submitted a similar bill adding Section 631:4-a to RSA 631:4. The sponsor has agreed with the recommendation of ITL. Vote 14-0.

HB 1669-FN, increasing the penalties for littering. **INEXPEDIENT TO LEGISLATE.**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill was introduced to solve a problem that is currently addressed in RSA 265:102 and RSA 163-B:3. A violator can be charged under either. The bill called for an increase in the fines and linked non-payment of the fine to suspension of either the violator's driving license and hunting or fishing licenses. The committee felt that the additional penalties were either not needed or not generally effective considering that not all violators might have either license. Vote 17-0.

HB 1680-FN, requiring law enforcement and corrections officers to complete training in appropriate techniques for dealing with persons with mental health conditions. **REFER FOR INTERIM STUDY.**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill is a much-needed bill. The majority of the committee agreed, as did those few who did not totally support the bill, yet they still expressed a genuine need for some type of training in this ever increasingly difficult and often time dangerous encounter of Law Enforcement and the person that has a mental health condition. Many questions have arisen from this public hearing; is this 28a mandate? Is forty hours of training too much? Is 4 hours enough? Should the Probate Courts advise the police in the communities and/or sheriffs and the family members when a person is well enough, on meds, to be placed back into society? All of these and more must be brought to the fore so we can determine a possible solution; hence the committee recommends this bill for interim study. Vote 16-1.

HB 1732-FN-A, repealing the fund for the domestic violence grant program and relative to marriage license fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: At the request of the sponsor, this bill was voted Inexpedient to Legislate. Vote 15-0.

HB 1203-FN-L, relative to school building costs for athletic fields. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy E. Easson for Education: The committee learned that since this bill was filed, Bedford was granted a waiver for artificial turf by the Department of Education. Thus, this bill is not necessary. Vote 14-0.

HB 1368, requiring elementary school instruction in proverbs. **INEXPEDIENT TO LEGISLATE.**

Rep. Emma L. Rous for Education: This bill proposes curriculum already covered by state frameworks and currently taught throughout the state. Vote 14-0.

HB 1408-FN, allowing reserve and national guard members returning to New Hampshire after full-time active duty to take courses tuition free at any community-technical institute or college. **INEXPEDIENT TO LEGISLATE.**

Rep. John L. Ward for Education: The committee believes that the bill was laudable. However, after a subcommittee review, there were too many unanswered questions. Those interested parties agreed and also recommended inexpedient to legislate. Vote 15-0.

HB 1489, relative to school emergency response plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen R. L'Heureux for Education: The committee unanimously believes in the adoption of this bill which will serve to develop an "all hazards" approach to emergency planning in our New Hampshire schools. An amendment was offered that required plans to be forwarded to the NH Bureau of Emergency Management and that the Bureau be available to conduct the training and provide support to the school districts to aid in any plan implementation, established a 2-year development process, and made the drills part of what is currently in law mirroring the Life Safety Code on school evaluation drills. Vote 13-0.

Amendment (0589h)

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Emergency Response Plans. Amend RSA 189 by inserting after section 63 the following new subdivision:

Emergency Response Plans

189:64 Emergency Response Plans.

1. Within 2 years of the effective date of this section, every public and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System of the National Incident Management System. A copy of the plan shall

be forwarded to the bureau of emergency management, division of emergency services, communication, and management, department of safety. The plan shall provide that at least 2 of the required number of fire evacuation drills shall be emergency response drills. The plan shall address hazards including acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, and any other hazard deemed necessary by school officials. The first emergency response drill shall be conducted within one year of the completion of the plan.

II. The plan shall be coordinated with local emergency authorities and with the emergency response plan in the municipality in which the school is located. A school shall review its plan at least annually, and shall update the plan, if necessary. The bureau of emergency management, division of emergency services, communication, and management, department of safety shall assist school districts in conducting training for and providing support to school districts in the development, implementation, and review of an emergency response plan, as may be needed.

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist. **OUGHT TO PASS WITH AMENDMENT.** Rep. Claire D. Clarke for Education: The committee feels a study committee is warranted to study the shortage of qualified speech language pathologists. Testimony heard indicated that there were hundreds of speech language pathologists available but a "critical shortage" declaration was being made so a district could hire the lesser-trained speech language specialist. It is the committee's feeling that this study committee will define what a critical shortage is, when it is declared, who declares it, and determines the need for speech language specialists and speech language pathologists. Vote 12-0.

Amendment (0414h)

Amend section 2 of the bill by replacing paragraph III with the following:

III. Members of the committee shall consult with the commissioner of the department of education, speech language pathologists, speech language specialists, and any other individual with relevant information or expertise as deemed necessary.

HB 1118, requiring paper ballots at all elections. **OUGHT TO PASS.**

Rep. Jane A. Clemons for Election Law: This bill would codify the continued use of paper ballots for purposes of recounts, which New Hampshire has always required. Should new electronic ballot machines be used in the future, any such machine would be required to have the ability to produce paper ballots of some sort so visual inspection would show the intent of the individual voter. Vote 17-0.

HB 1122, relative to special elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to clarify the process for the establishment of a date for a special election. The language specifies that a special election, when possible, will coincide with a regularly scheduled election in the towns or wards as represented by the city. In the event the towns or wards can not agree on a date, the governor and council shall declare that the election be held on a Tuesday not less than 80 nor more than 87 days following the declaration by the governor and council. This procedure minimizes the financial impact on the district. Vote 16-1.

Amendment (0573h)

Amend the bill by replacing section 1 with the following:

1 Nominations for Special State Elections; Coincidence with Regular Election. Amend RSA 655:81, I to read as follows:

I. The special election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; *provided, however, that if one or more municipalities where a special election for state representative will be held have a regularly-scheduled election occurring between 80 and 180 days following the day that the governor and council declare that there shall be a special election, the governor and council shall set the date of the election to coincide with the regularly-scheduled election if a majority of the towns or wards, as represented by the city, jointly request that day; if towns or wards, as represented by the city, request that the special election coincide with regu-*

larly-scheduled elections occurring on different dates, the election shall be held on the Tuesday not less than 80 nor more than 87 days following the day that the governor and council declare that there shall be a special election; and

HB 1147, relative to the conduct of recounts. **OUGHT TO PASS.**

Rep. Suzanne Harvey for Election Law: This bill would require visual inspection of ballots during recounts and prohibits the use of any mechanical, optical or electronics device to recount ballots. It would codify current practice, protect our tradition of paper ballots and strengthen credibility among voters in our election process. While machines can count ballots, they cannot discern intent of the voter when the markings may not be absolutely clear. Rather than have some ballots discounted in their entirety by machines which may happen on election night, these ballots would be fully considered in a recount by the secretary of state and his/her assistants and the candidates. Vote 17-0.

HB 1166, relative to electronic ballot counting machines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to provide that if electronic ballot counting machines are used at the polling place, they will be tested within five days preceding the election. The testing shall be open to public observation and examination at a date and a time duly posted by the moderator. Vote 14-1.

Amendment (0594h)

Amend the bill by replacing section 1 with the following:

1 New Section; Preparation of Voting Materials; Electronic Ballot Counting Machines. Amend RSA 656 by inserting after section 44 the following new section:

656:45 Electronic Ballot Counting Machines. If an electronic ballot counting machine is used at the polling place, the machine shall be tested within the 5 days preceding each election and the testing shall be open to public observation and examination at a date and time posted by the moderator. The moderator shall run test ballots through the machine to verify its accuracy.

HB 1283, relative to sheep and goat identification requirements. **OUGHT TO PASS.**

Rep. Betty B. Hall for Environment and Agriculture: It is necessary to bring our state laws into compliance with federal requirements. Our livestock owners need to be able to operate in compliance with both state and federal regulations. Vote 12-0.

HB 1296, relative to the voluntary scrapie flock certification program. **OUGHT TO PASS.**

Rep. James F. Powers for Environment and Agriculture: This bill will assist in preventing spread of scrapie, which is a fatal degenerative disease affecting the central nervous system of sheep and goats. Like HB 1283, it is required to bring New Hampshire law regarding sheep and goats into compliance with federal regulations. Vote 13-0.

HB 1142, establishing a committee to study whether a general business license should replace the licensure of trades and professions. **INEXPEDIENT TO LEGISLATE.**

Rep. Judson K. Dexter for Executive Departments and Administration: While the committee felt that this was an interesting approach to deal with the trades and professions, it was nearly unanimously agreed that unforeseen consequences could cause chaos. This would require the detailed review of 130 plus trades and professions. Additionally, many of our laws are directly attached to other state and federal agencies such as health and human services, insurance, environmental services and others. Finally, the bill offers no recommendations to replace the current system to protect peoples' safety, administration or costs. Vote 11-3.

HB 1144, allowing dental hygienists to engage in independent practice. **INEXPEDIENT TO LEGISLATE.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill would remove the requirement that dental hygienists practice only under the supervision of licensed dentists and would allow for independent practice. After extensive testimony and subsequent subcommittee work, the committee concluded that the concept of independent practice had merit but was premature. Presently, only Colorado allows independent practice, however, there is a national movement to establish standards and expanded scope of practice. When over the next few years, additional education, development of standards and cooperation with dentists occurs, the Executive Department and Administration Committee anticipates working again with the dental hygienist. Vote 17-2.

HB 1185, relative to Volunteer NH. OUGHT TO PASS.

Rep. Donald F. Ryder for Executive Departments and Administration: Volunteer NH is an established committee that coordinates volunteer organizations with the state. This bill allows the board of directors to appoint an executive director who will serve at the pleasure of the board. Members appointed by the governor and council shall serve renewable three (3) year terms. All others serve coterminous with their term of office. The bill removes a restriction of no compensation for the executive director. Vote 16-1.

HB 1358, establishing an investigatory commission for unethical conduct in state government. INEXPEDIENT TO LEGISLATE.

Rep. Alida I. Millham for Executive Departments and Administration: This bill as written would establish a legislatively driven investigation committee to act on allegations of unethical or improper conduct within a state agency. The committee agreed that investigating commissions, if established, should be in response to a specific and clearly articulated abuse of authority or blatant violation of rules and regulation. There already exist laws and rules that offer avenues for citizens, lawmakers, and state employees to seek redress for unethical and improper conduct. There is access to the attorney general's office; there are ombudsmen in many areas charged with handling abuse claims. There also exists, the Elder Abuse Advisory Council that seeks to improve the protection of New Hampshire seniors from abuse, neglect, and exploitation. Vote 19-0.

HB 1498, establishing a risk management unit within the department of administrative services. OUGHT TO PASS WITH AMENDMENT.

Rep. James B. Coburn for Executive Departments and Administration: The first part of this bill changes RSA 21-I:4 to match the agency's current reporting relationship for the bureau of risk management. An administrative audit recommended that the commissioner should make the appropriate changes to the statute to match the current state. This bill moves the bureau of risk management unit. The second part of the bill cleans up some rule making requirements that are no longer necessary. Vote 13-0.

Amendment (0495h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

Amend the bill by replacing all after section 10 with the following:

11 Department of Administrative Services; Rulemaking Authority. Amend the introductory paragraph of RSA 21-I:14 to read as follows:

21-I:14 Rulemaking Authority. The commissioner of administrative services shall adopt rules, pursuant to RSA 541-A, relative to *the following matters, if such matters require statements of general applicability within the definition of "rule" set forth in RSA 541-A:1, XV:*

12 New Paragraph; Duties of Commissioner of Administrative Services; Insurance Requirements for Certain State Contractors. Amend RSA 21-I:13 by inserting after paragraph XIII the following new paragraph:

IV. Establish a general liability insurance provision for standard state contracts that requires any contractor who qualifies for nonprofit status under section 501(c)(3) of the Internal Revenue Code and whose annual gross amount of contract work with the state does not exceed \$500,000 to provide insurance in amounts of not less than \$1,000,000 per claim or occurrence and \$2,000,000 in the aggregate.

13 Repeal. RSA 21-I:14, III, XIV, and XV, relative to the rulemaking authority of the department of administrative services, are repealed.

14 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a risk management unit within the department of administrative services. The unit has the same responsibilities as the bureau of risk management but is not part of the division of accounting services.

The bill also repeals 3 areas of rulemaking authority by the department of administrative services, 2 of which have become obsolete and one of which is addressed in statute.

HB 1503, relative to financial programs administered by the postsecondary education commission. **OUGHT TO PASS.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill allows for all funds to be distributed to students and not revert to the general fund. The amount of money, between six and fifteen thousand dollars, is hugely significant to worthy applicants (such as the orphans of veterans programs) and makes miniscule difference to the general fund. In addition, the bill provides for some housekeeping details. Vote 20-0.

HB 1559, relative to training requirements for barbers, cosmetologists, manicurists, and estheticians. **INEXPEDIENT TO LEGISLATE.**

Rep. Hector M. Velez for Executive Departments and Administration: This bill would reduce the training requirements for licensure as barbers, cosmetologists, manicurists and estheticians. This bill also requires topics of training adopted in rules of the board of barbering and cosmetology and esthetics to relate to the protection of public health. These changes will greatly reduce the level of education of salon professionals in New Hampshire and more importantly, will put consumers at risk by having under-educated, inadequately trained professionals in salons and spas. There was an overwhelming number of professionally licensed barbers, cosmetologists, manicurists, and estheticians who opposed this legislation. Vote 18-0.

HB 1735-FN, relative to awarding the state employees' health insurance plan. **OUGHT TO PASS.**

Rep. Peter F. Bergin for Executive Departments and Administration: This bill was requested by the committee studying the Department of Insurance and awarding of the bids for health insurance for state employees as established by 2005, 103 (HB 195). The bill repeals the law requiring a self-insured health plan for state employees. It gives the commissioner the flexibility to self insure or to get bids from insurance companies. The bill creates a legislative committee to make recommendations and advise the commissioner of administrative services on the state employee group insurance program. It also allows the inclusion of the university system, if it so chooses, into the state employees health insurance program. Vote 16-0.

Referred to the committee on Finance.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health. **OUGHT TO PASS.**

Rep. Elizabeth S. Hager for Finance: This bill came to the Finance Committee to ascertain whether there were financial ramifications. The committee learned there is sufficient money in the fund for the changes in this bill. Vote 16-0.

HB 1131, increasing the payment in lieu of taxes paid to the city of Portsmouth by the Pease development authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter E. Franklin for Finance: There is no impediment to negotiations between Pease Development Authority - Port Authority and the city of Portsmouth at the present time. Both parties are amenable to discussions to assure a more equitable payment for services to Portsmouth for its support of Port Authority related activities which impact Portsmouth tax payers. Portsmouth and the Pease Development Authority have an inclusive municipal services agreement and the port should be part of that agreement. Vote 19-0.

HB 1148-FN-A, making an appropriation to the Seacoast Shipyard Association. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L. Wheeler for Finance: Avenues to fund the requested appropriation of \$7,500 already exist in DRED in their Economic Development Fund (Seacoast Shipyard Association, SSA, did receive \$30,000 from the fund in the Fall of 2004) and the Economic Development Matching Grant program. Further, these application programs would be more timely and responsive to SSA needs than this worthy proposed legislative remedy. Accountability and reporting criteria exist in these programs and that path furthers the system and order of government in the funding of projects utilizing public funds. Vote 23-0.

HB 1226-FN, relative to the New Hampshire Humanities Council. **OUGHT TO PASS.**

Rep. Christopher C. Pappas for Finance: New Hampshire provides no state funding to its Humanities Council unlike 41 other states and U.S. Territories. However, our state has a longstanding informal arrangement with the New Hampshire Humanities Council, whereby the state houses the

Council in state office space rent-free. This bill simply formalizes that arrangement, begun by Governor Sununu and continued by each successive governor. The Department of Administrative Services supports this legislation, and will be able to work out any new terms with the Council or draft a lease agreement. The committee was satisfied that DAS is sufficiently, if necessary, protected by the bill and that the important work of the Council will be supported into the future. Vote 20-0.

HB 1267, establishing a committee to study the use of money in dedicated funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph E. Stone for Finance: In 2003, HB 368, Chapter 174 was signed into law. The bill was heard by the House Ways and Means Committee and the committee report stated, "This bill makes technical corrections to the list of dedicated funds that are now subject to reporting requirements through the State Treasurer to the relevant policy committee of the legislature. The committee supports continued interest in the issue of disclosure and oversight of dedicated funds". The issue has been addressed, thus the Finance Committee feels this bill is unnecessary. Vote 22-0.

HB 1280, establishing a committee to study all sources of grant funding received by the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph E. Stone for Finance: The committee felt that with all the layers of review involved in grants; that is financial audits, performance audits, and committees specified to review grants by assignment that further study appears to be redundant. Vote 22-0.

HB 1504-L, establishing a committee to study reimbursing towns for emergency services on interstate highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda T. Foster for Finance: The committee understands that this complicated issue affects every town and city in our state and agrees that the issue may warrant a comprehensive study that involves all state maintained roads and not just interstate highways. The committee believes that one of the policy committees should look at this type of legislation and hopes that a more inclusive bill will be constructed and filed for the January 2007 session. Vote 20-2.

HB 1617-FN-L, relative to the Franklin school district. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth H. Gould for Finance: This bill would require the Franklin School District to forfeit education grant funds of more than \$7,000,000. There is probably a valuable message here, but passage of this bill would be punitive in the extreme. Vote 22-0.

HB 1644-FN, relative to funding the fuel assistance program in the office of energy and planning and requiring a one-time reduction in the rate of the statewide enhanced education tax and making appropriations therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth Hager for Finance: This bill is duplicative of other bills before the committee. We intend to deal with the two issues in those other bills. Vote 22-0.

HB 1115, relative to the definition of resident for purposes of fish and game laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: The bill changes the residency requirement from six months to 60 days for the purpose of purchasing Fish and Game Licenses and also for registering snowmobiles. This is in conformity with the 60 day requirement to register a motor vehicle. The bill had full committee support. Vote 10-0.

Amendment (0442h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 4 and 5, respectively:

2 Fish and Game; OHRVs; Definition of Resident. RSA 215-A:1, XII is repealed and reenacted to read as follows:

XII. "Resident" means a resident of the state as defined in RSA 21:6, except that no person shall be deemed to be a resident who claims residence in any other state for any purpose.

3 Fish and Game; Snowmobiles; Definition of Resident. RSA 215-C:1, XIV is repealed and reenacted to read as follows:

XIV. "Resident" means a resident of the state as defined in RSA 21:6, except that no person shall be deemed to be a resident who claims residence in any other state for any purpose.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill clarifies the definition of resident for persons receiving a fish and game license, permit, or stamp, or registering an OHRV or snowmobile.

HB 1348, requiring hunters to wear hunter orange. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard C. Dickinson for Fish and Game: This bill requires only hunters to wear "hunter" orange during the hunting season although far more non-hunters are in the woods hiking, bird-watching, cutting firewood or simply taking a Sunday afternoon walk. During the 10 year period between 1993 and 2003 only one hunting accident was reported in New Hampshire. This was because we have an excellent hunter safety course which stresses the importance of clearly identifying your target, because not everyone will be wearing orange, nor would they be required to wear it according to HB 1348. Both the Department of Fish and Game and the New Hampshire Wildlife Federation oppose this legislation, as does a majority of the House Fish and Game Committee. Vote 9-1.

HB 1420-FN, prohibiting remote control and Internet hunting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard C. Dickinson for Fish and Game: This bill, as amended, defines remote control internet hunting and makes any person operating such a program subject to a Class A misdemeanor and a civil fine of not less than \$10,000. A number of states have banned or are in the process of banning this type of activity. The committee unanimously agreed that New Hampshire should be included. Vote 10-0.

Amendment (0559h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Remote Control and Internet Hunting. Amend RSA 207 by inserting after section 8 the following new section:

207:8-a Remote Control or Internet Hunting Prohibited.

I. No person shall offer for sale, take, or assist in the taking of wildlife by use of remote control or Internet hunting. Any person, firm, corporation, partnership, limited liability company, association, or other business entity who violates this section shall be guilty of a class A misdemeanor. In addition, the executive director may impose a civil penalty of not less than \$10,000 for each violation of this section, with the moneys received from imposition of such civil penalty to be deposited in the fish and game fund.

II. For the purpose of this section "remote control or Internet hunting" shall mean the use of a computer or other electronic device, equipment, or software, to remotely control the aiming or discharge of a firearm or other weapon, that allows a person, not physically present, to take wildlife.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits remote control or Internet hunting and establishes criminal and civil penalties for violations.

Referred to the committee on Criminal Justice and Public Safety.

HB 1524, relative to regulation of dog training by the fish and game department. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard C. Dickinson for Fish and Game: This bill would allow the Fish and Game Department to adopt rules governing the period for the training of bird dogs as well as bear dogs. Current law allows for the department to regulate the period of training for bear dogs. The committee unanimously believes that HB 1524 is unnecessary. Vote 10-0.

HB 1605-FN, relative to transfers from prepaid fish and game license fund. **OUGHT TO PASS.**

Rep. David L. Smith for Fish and Game: Last year a Fish and Game Subcommittee discovered that the lifetime license fund was being reduced annually at an over aggressive rate. This was as a result of the significant decline in interest rates from when the existing formula was enacted. The new formula should hold the fund balance steady, and provide a relatively stable annual income flow. Vote 10-0.

HB 1657, relative to uses of charitable donations for fish and wildlife conservation programs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: This bill enables and encourages the Fish and Game Department to become more actively involved with other groups and individuals who use our

New Hampshire out-of-doors. Bird watchers, mountain bikers, hikers, etc., and the organizations that support these activities will all be targeted. Special licenses may be sold indicating various levels of donations. Special conservation decals may be given for a donation. Groups may be recognized for work done on behalf of Fish and Game (i.e. a Boy Scout project). This bill repeals the super sporting account fund acts, and transfers the small existing balances into the new Wildlife Legacy Initiative Account. These super sporting programs have not been successful. This bill is a part of a plan, with other legislation to be acted upon this year, that will help the Fish and Game Department address the financial problems that it is facing. Vote 10-0.

Amendment (0593h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Fish and Game; Wildlife Legacy Initiative Amend RSA 206 by inserting after section 33-b the following new section:

206:33-a Wildlife Legacy Initiative; Account Established.

I. The executive director may establish a wildlife legacy initiative that encourages gifts and donations to support fish, wildlife, and marine resource conservation projects, conservation education activities, and opportunities to use, access, and appreciate these public resources by promoting the benefits of the initiative and recognizing individuals or organizations for their voluntary participation. The executive director in establishing any relationship with such persons shall use care to deal with persons who are supportive of the full mission of the fish and game department and not persons opposing the legal taking of game or fish.

II. The executive director may establish levels of giving and offer incentives for various levels of donations, enter into agreements and partnerships with the public or private sector as necessary to develop, market, promote, solicit for, and conduct the wildlife legacy initiative. The executive director may issue certificates, documentation, and other gifts to identify and recognize participants.

III. There is established an account within the fish and game fund to be known as the wildlife legacy initiative account. All gifts and donations received through the wildlife legacy initiative shall be deposited in this account. Notwithstanding any other provision of law to the contrary, donations made to the wildlife legacy initiative shall not require acceptance by the commission or the governor and council. Moneys deposited in the wildlife legacy initiative account are non-lapsing and continually appropriated to the fish and game department and may be used with approval of the fish and game commission for the purposes stated in paragraphs I and II.

2 Transfer of Super Sporting Account Funds. Any sums in the super sporting license account for wildlife and the super sporting license account for fisheries on the effective date of the repeal of RSA 214:7-c by section 4 of this act shall be transferred and are hereby appropriated to the wildlife legacy initiative account under RSA 206:33-c established in section 1 of this act.

3 New Subparagraph; Treasury; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys deposited in the fish and game department wildlife legacy initiative account under RSA 206:33-c.

4 Repeal. The following are repealed:

I. RSA 6:12, I(b)(188) and (189), relative to the super sporting license accounts.

II. RSA 214:7-c, relative to the super sporting license.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the fish and game department to establish a wildlife legacy initiative for gifts and donations from individuals and organizations for the purpose of encouraging, supporting, and funding fish and wildlife conservation programs. The bill also repeals the super sporting license provisions.

Reps. Baroody and Mirski declared a conflict of interest and did not participate.

HB 1658, relative to the use by the fish and game department of charitable donations for the general administration of the department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: This bill is enabling the Fish and Game Department to interact with a private foundation that shall be formed to help solve the long-term major funding

needs of the department. The states of Florida, Colorado, Arkansas, and Wyoming have this source of support. This bill will give the forthcoming program public recognition, and will show that the State of New Hampshire supports this action. All aspects of the legislation have been reviewed and approved by the Attorney General's Office. Vote 10-0.

Amendment (0570h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Gifts and Donation; Exception Added. Amend RSA 206:33-a by inserting after paragraph II the following new paragraph:

III. This section shall not apply to gifts, grants, bequests, or donations received pursuant to RSA 206:33-c.

2 New Section; Agreements With Nonprofit Partners. Amend RSA 206 by inserting after section 33-b the following new section:

206:33-c Agreements With Nonprofit Partners.

I. The commission, in consultation with the executive director, may designate one or more nonprofit foundations as an official nonprofit partner of the department for the purpose of accepting gifts, grants, bequests, and donations to further department goals.

II. An official nonprofit partner shall be a nonpolitical legal entity that:

(a) Is incorporated under the laws of this state;

(b) Has been granted an exemption from federal income tax under Section 501(c) of the Internal Revenue Code of 1986, as amended; and

(c) Works with the department to further department goals.

III. The executive director shall have the power and authority to enter into agreements on behalf of the fish and game department with an official nonprofit partner. Any such agreement shall be subject to review and approval by the attorney general.

IV. The executive director is authorized to assign staff, use department facilities and pay necessary and reasonable expenses associated with executing and implementing agreements and facilitating a successful partnership between the department and an official nonprofit partner.

V. Any moneys received pursuant to this section shall be accounted for and expended in accordance with RSA 206:33.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill allows the fish and game department to designate a nonprofit foundation as a nonprofit partner and enter into agreements for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

This bill is a request of the fish and game department.

HB 1659, relative to the use of certain small caliber firearms in taking wildlife. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: This bill is to clarify existing law. At the time the existing law was enacted, no firearms under .22 calibers were being marketed. We now have .17 caliber firearms. This legislation will change existing law to read as ".22 or smaller caliber rim fire firearms." An effective date of 60 days after passage is called for, so it can be law by the fall 2006 hunting season. Vote 10-0.

Amendment (0567h)

Amend RSA 207:3, III as inserted by section 1 of the bill by replacing it with the following:

III. ~~[This section]~~ Paragraph II shall not apply to the use of .22 or smaller caliber rimfire ~~[rifles; or to the use of pistols or revolvers]~~ firearms.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect 60 days after its passage.

HB 1104-FN-A, making an appropriation to the Good Neighbor Health Clinic. **INEXPEDIENT TO LEGISLATE.**

Rep. April H. Mason for Health, Human Services and Elderly Affairs: This bill would make an appropriation to the Dept. of Health and Human Services for the purposes of making a payment to the Good Neighbor Health Clinic in White River Junction, Vermont. The committee heard compelling testimony from the Director of the Good Neighbor Health Clinic which provides services to an increasing percentage of New Hampshire residents who reside in towns that border Vermont. The clinic does not bill Medicare and Medicaid and serves the uninsured "working poor" in both Vermont and New Hampshire. It provides free medical care. While clearly the clinic is providing much needed services to this population, currently 56% are from New Hampshire, the committee was concerned about sending New Hampshire funds to support a clinic based in Vermont. New Hampshire has many citizens whose current health care needs are not being met and supporting legislation to appropriate funds to Vermont while we have unmet needs here in New Hampshire seemed counterproductive. Secondly, committee members suggested the Good Neighbor Health Clinic approach the border towns, whose residents they are serving, for funding. Many cities and towns will, via a warrant article, provide a mechanism to fund agencies such as the Good Neighbor Health Clinic. To date, the clinic has not pursued that option to secure funding. Lastly, New Hampshire physicians are donating a significant amount of their time as volunteers in the clinic. This "in kind" donation is a valuable contribution that New Hampshire is making through these wonderful volunteers. The committee agreed that the Good Neighbor Health Clinic is doing excellent work and providing valuable and necessary services. However, we felt other funding options, such as town warrant articles, should be attempted before approaching State funds. Vote 17-1.

HB 1121-L, relative to licensure levels of care in residential care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill for purposes of administrative rules combined "residential care" and "supported residential care" together which are currently viewed as two levels of care. This bill primarily authorizes administrative rulemaking authority for DHHS. Testimony on this bill indicated that there is a significant concern, in general, about the clarity of administrative rules and their adaptation to the current system of the delivery of health care in New Hampshire. Therefore, the bill was amended to require a thorough study of RSA 151 and any other statutes that pertain to residential care and assisted level. The general consensus was that a legislative committee should review the overall administrative rule authority of DHHS before proceeding with specific changes in rules impacting on the continuum of health care services. Vote 16-0.

Amendment (0431h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study matters relative to rulemaking and licensure by the department of health and human services in regards to assisted living and residential care.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house or representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. The committee shall solicit information from any resource the committee deems relevant to its study.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee's study shall include, but not be limited to, the following:

1. Whether the definitions and description of residential care facilities and assisted living facilities under RSA 151:2, I(e) and elsewhere should be amended to add clarity and better reflect the current delivery of services of such care in New Hampshire.

II. Whether the commissioner's rulemaking authority under RSA 151:9 should be amended to give the commissioner different or specific instruction regarding the licensure of such facilities relative to levels of license classification.

III. Whether any additional changes can be made to RSA 151 or any other statute relative to assisted living and residential care that would make the law more effective in providing clarity to consumers and providers relative to such care and the regulation of such care.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study rulemaking and licensure issues relative to assisted living and residential care.

HB 1204, relative to human immunodeficiency virus education, prevention and control. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill deletes RSA 141 F, b, c, and d. Those sections of the statute required the Department of Health and Human Services to review applications from health care workers in the state who have HIV or Hepatitis B and who wish to perform or participate in any exposure-prone invasive procedures. In fact, DHHS has never received any application for the process nor did the department convene the required expert panel since the legislation went into effect in 1993. OSHA directives provide guidance for health care workers and define universal precautions. OSHA monitors health care entities for compliance with these regulations. Therefore, the state requirements listed above are all redundant and unnecessary. The committee unanimously agreed to delete the redundant sections. Vote 15-0.

HB 1208, establishing a committee to study transferring case management responsibilities for home and community based care programs from the department of health and human services to the counties. **INEXPEDIENT TO LEGISLATE.**

Rep. J. Gail Barry for Health, Human Services and Elderly Affairs: This bill is already covered in HB 691-FN which establishes that an oversight committee on Health and Human Services shall monitor the ongoing Medicaid modernization plan. This addition, under Section 175:13(I) allows the DHHS to establish "one or more pilot programs for the provisions of case management services through a program operated by or under contract with a county government" for individuals receiving services under the Medicaid home and community-based case waiver program. This is a well intentioned concept but legislation as indicated above already is available. Therefore, the legislation is not needed and would just be legislative duplication of existing law. Vote 17-0.

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill was a request of the Dept. of Health and Human Services. Over the past two to three years there has been extensive review of elderly abuse and exploitation. Several bills were generated by the Elder Abuse Council of DHHS and this is one of those bills. It establishes a legislative committee to consider whether there is evidence that could lead to the formation of a statewide review of unanticipated deaths and serious injury, particularly among the elderly. If it is felt that a review is needed, then this legislative committee would recommend a methodology to be used in such a study. This bill was unanimously supported by the committee and testimony in support of the bill included DHHS, and the Disability Rights Center. No one spoke in opposition. Vote 15-0.

HB 1279, establishing a commission to study state medicaid reimbursement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee unanimously supported the concepts that focused on the study of Medicaid reimbursement rates in New Hampshire. The study should include the adequacy of the current rates and if there is harm result-

ing from low rates, the study would provide suggestions as to possible remedies. The commission was reduced in size to include 5 legislative members and 4 representatives of pertinent constituencies: Medicaid Office, Home Care Association of NH, NH Health Care Association and the NH Hospital Association. The commission can consult with other experts as needed. The commission will report its findings on or before December 1, 2006. Vote 15-0.

Amendment (0369h)

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The director of the office of medicaid business and policy, department of health and human services.

(d) A representative of the Home Care Association of New Hampshire, appointed by that association.

(e) A representative of the New Hampshire Health Care Association, appointed by the association.

(f) A representative of the New Hampshire Hospital Association, appointed by the association.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2006.

HB 1281, establishing a committee to study the effectiveness of the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill was an attempt to establish a committee to assess the overall effectiveness of the Department of Health and Human Services using appropriate survey tools. The presentation before the committee though dealt primarily with the sponsor's hope to have an investigation into certain practices of the department in the area of elder abuse using a survey tool the sponsor developed. The committee offered appropriate suggestions to the sponsor as to where an investigation might be undertaken. The committee felt that this bill was too broadly written and also that the department was assessing many of its programs and practices presently. Currently, the Statutory Oversight Committee on Health and Human Services has the authority and responsibility to conduct the studies outlined in this bill. Formation of another committee is not needed. Vote 17-0.

HB 1332, establishing a commission to study health care in New Hampshire prisons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: The commission shall study the adequacy of health care services in N.H. correctional facilities, including state prisons, county correctional facilities and youth correctional facilities and make such recommendations as the commission deems appropriate. The commission shall solicit information and testimony from such organizations and individuals as may assist the commission in the performance of its duties. It appears that there are mental health and drug problems in our correctional facilities where 85% of the population has medical conditions that can affect psychiatric conditions. 75% of the juveniles in the Youth Development Center have mental illness. Testimony indicated that Los Angeles, CA County Jail is the largest mental health facility in the United States. In New Hampshire some folks get arrested in the fall so they can stay in jail over the winter to receive medical attention and then are homeless the rest of the time. Vote 16-0.

Amendment (0400h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study health care in New Hampshire correctional facilities.

Amend the bill by replacing section 1 with the following:

1 Commission Established. There is established a commission to study health care in New Hampshire correctional facilities.

Amend the bill by replacing section 3 with the following:

3 Duties. The commission shall study the adequacy of health care services in New Hampshire correctional facilities, including state prisons, county correctional facilities, and youth correctional facilities, and make such recommendations as the commission deems appropriate. The commission shall solicit information and testimony from such agencies, organizations, and individuals as may assist the commission in the performance of its duties.

AMENDED ANALYSIS

This bill establishes a commission to study health care in New Hampshire correctional facilities.

HB 1359-FN, establishing a committee to study case management responsibility for certain elderly and adult services. **INEXPEDIENT TO LEGISLATE.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: The committee, along with the sponsor, agreed that this bill is no longer needed and acted accordingly. Vote 15-0.

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. **OUGHT TO PASS.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: The committee heard a great deal of testimony regarding the Temporary Assistance to Needy Families (TANF) program. This program is the Welfare to Work program which provides training to individuals so they can become self-sufficient. This particular bill establishes a task force to study if the funding awarded to participants is sufficient to cover the costs of necessities, such as utilities and rent. Duties of the task force include: 1. Are the current grant levels supportive of moving the TANF parents toward economic self-sufficiency while providing a safe, secure and healthy family life for children in the TANF families. 2. If the current grant levels are insufficient to support the desired objectives, what level is needed and what is the total budgetary cost. 3. Should the state retain the current flat TANF grant structure or adopt a structure which reflects regional differences in costs of housing, transportation, and other essentials or some other cost effective system. 4. Consider methods of future smooth transfer of state funds to cover changes in costs of essential services. Look at tying the TANF grant structure to the TANF standard of need. 5. Hold any public hearings the task force deems necessary to the successful discharge of the duties established. 6. Consider the alternatives to the private rental market in order to save state funds when providing affordable housing. 7. Recommend identified changes in the levels and structure of the TANF grant to the Governor, the Commissioner of HHS, and the Speaker of the House and the President of the Senate. The information gathered can be used to establish guidelines and protocols to update the NH TANF programs. The Legislative Caucus for Young Children strongly supports passage of this bill. Vote 17-0.

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill creates the mosquito control fund which has the purpose of assisting cities and towns in a variety of ways to control mosquitoes and encourage abatement activities. One of the major reasons for this activity is to provide a variety of ways to address the threat of eastern equine encephalitis. This is a serious illness, for some, who have an infection of the central nervous system. This can include high fever (103 to 106 degrees), serious headaches and stiffness. These symptoms can be followed by seizures and comas. Of those who have these symptoms, about one-third die. Others have permanent brain damage and can require lifelong custodial care. The committee heard testimony from a New Hampshire mother whose four-year old son had the terrible symptoms described above. The good news is that her son is making excellent progress. Mosquito control needs to be a joint effort of state and local officials. Mosquitoes do not recognize town lines. In addition to creating the mosquito control fund, the bill requires statewide community planning. Also, it calls for a comprehensive public awareness program. It outlines procedures by the Department of Health and Human Services to determine a threat to the public health. It also describes the process DHHS will utilize to determine how a city or town becomes eligible to receive funds. DHHS will provide technical assistance to help in the development of local plans. Vote 20-0.

Amendment (0313h)

Amend RSA 141-C:24, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) Appropriate abatement measures.

Referred to the committee on Finance.

HB 1472-FN-A, establishing a home energy assistance program in the department of health and human services and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The sponsors of this bill requested that the bill be inexpedient to legislate. The legislature earlier took action to establish a home energy assistance program to assist low-income families and individuals with the payment of home heating costs. It is the unanimous opinion of the committee that this legislation is not needed due to the previous initiative of the legislature enacted after this bill was put into Legislative Services. Vote 19-0.

HB 1499, relative to the oversight committee on health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara C. French for Health, Human Services and Elderly Affairs: The Health and Human Services Oversight Committee, as presently constituted, have expertise in the field of health and human services with supportive help of financial experts. There did not appear to be any compelling need or argument to expand. Presently anyone can request to bring forth an item for the agenda and all are welcome to participate in all meetings. Vote 16-0.

HB 1728 FN-L, relative to time limits on eligibility for Temporary Assistance for Needy Families (TANF). **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill seeks to change the time limit of eligibility for Temporary Assistance for Needy Families (TANF). Current TANF financial benefits are available for a lifetime maximum of 60 months. This bill would allow assistance for 24 months during any 60-month period. The federal government is in the process of reauthorizing the TANF program, and the committee overwhelmingly felt to make changes in our state program at this time would be a waste of time. The committee heard testimony from the department regarding their success with this program. Concerns of border crossing to receive New Hampshire benefits were raised; statistics from the department did not support this concern. In fact some surrounding states have similar TANF requirements, and the program is a state and federal one with a once in a lifetime cumulative of 60-month benefit, no matter where the recipient lives. The committee believed this bill sought to fix a problem that we did not have. Vote 16-0.

HB 1730-FN-L, relative to long-term care program management and cost controls. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would have amended certain sections of Chapter 151-E Long-Term Care. This chapter was significantly revised in 2005 and those changes are now in effect. In general, the committee felt that time is needed to review the effectiveness of the changes before rushing to make further changes with no evidence to support the need for new changes. The committee was unanimous in voting to ITL this bill. This is a highly technical bill. Under the section dealing with Program Management and Cost Control: 151-E:11, the existing legislation placed significant controls into place. The Department (DHHS) shall not increase expenditures in approved budgets for these class lines (nursing facility, mid level, and home health care) or the number of persons to receive mid-level or home care services without the approval of the legislative fiscal committee, and the prior review of the county – state finance commission.” This bill would have changed this section to read: “Notwithstanding any provision of law to the contrary and except as provided in paragraph III, the department shall not increase expenditures in approved budgets for, or the number of persons to receive, mid-level or home care services, nor shall there be any transfer of funds into such class lines.” This eliminates the oversight protections built into any unanticipated need to transfer within the budget for the continuum of health care services and stops any transfers into these (budget) class lines. However, a new section III further addresses final transfers pertaining to nursing homes. “The department shall increase nursing home rates in accordance with nursing home funding increases in the state operating budget and the projection of the average number of persons to receive services which is included in the state

operating budget." The department is required to perform a semi-annual rate adjustment. Under this bill (HB 1730), the department is required to make rate adjustments which are based on changes in acuity levels "and shall make increases or decreases in payment which are directly related to actual increases or decreases in acuity." If there is a decrease in the number of nursing home residents which results in a number below that contained in the budget, then a savings occurs. In this instance, the department is allowed to go to the fiscal committee and the governor and executive council. 50% of the savings would be used to increase nursing home reimbursement rates and 50% would go to the department. It appears that none of the savings would be used to increase the rates of the other levels of health services including mid-level and home health care. The department vigorously opposed this bill and outlined a number of unintended consequences. The bill was supported by nursing home representatives but was opposed by all of the other constituencies that would be impacted. However, the committee in opposing this bill strongly supports section 151-E:11 that requires the department to seek a review by the county-state finance commission and to seek approval by the legislative fiscal committee before increasing expenditures or the number of people who will be served in mid-level or home care services. Vote 16-0.

HB 1742-FN, relative to disclosing infections in hospitals and nursing homes. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Emerson for Health, Human Services and Elderly Affairs: This bill would require hospitals and nursing homes to make quarterly reports to the Department of Health and Human Services on infections acquired in such facilities. This bill requires the DHHS to develop methodology for collecting and analyzing the infection rate data. The committee heard from the Board of Infection Control, the New Hampshire Hospital Association, medical doctors, quality improvement, NHCQF, Board in Infection Disease. This bill was too broad. The reporting within the hospital and nursing homes are not standardized, so until this is done on a federal and state level, this bill could not be enforced. Now hospitals and nursing homes are reporting on surgical site infection, ventilator-associated pneumonia, central line related blood stream infections and urinary tract infections for their joint commission survey. The Health & Human Services and Elderly Affairs Committee will be incorporating the good ideas in this bill into HB 1741, which covers the same topic. Vote 15-0.

HB 1746-FN-L, relative to eligibility for Temporary Assistance to Needy Families (TANF). **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill seeks to amend the state plan for Temporary Assistance to Needy Families (TANF). This bill would have imposed a cap on benefits to a TANF recipient who had an additional child while receiving program benefits. During testimony this raised concerns. Under the current program the birth of an additional child provides an additional \$63.00 per month to the recipient. Currently 1.6% of TANF recipients have an additional child while receiving program benefits. This bill also would have eliminated education programs from countable work activities – the current plan allows this. The bill also stiffened penalties for non-compliance with program requirements. The bill did retain the 60-month lifetime benefit, but required a 36 month period of ineligibility after receiving 24 months of benefits. Testimony heard expressed a concern about these interruptions and the ability of an individual to make progress toward gainful employment. The primary goal of the TANF program is to provide needy families assistance to break the cycle of dependence on public aid and support through financial assistance and education training opportunities provided through the New Hampshire Employment Program (NHEP). In each of the past 5 years this program has received awards for high performance resulting in 30 million dollars in federal aid to support the program. In addition, the federal government is in the process of reauthorizing the TANF program, and changes in the program are anticipated, according to testimony. The majority of the committee felt it prudent to not make changes in the state program until the federal changes were known. Also, the committee voted unanimously to support HB 1461 which establishes a task force to study TANF benefits, and believes this bill's recommendations would be best studied further by the task force established in that bill. Vote 16-1.

HB 1205, relative to service of process by New Hampshire plaintiffs on foreign corporations. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: The New Hampshire Business Corporation Act was completely reviewed and re-enacted at RSA 293-A in 1992. Sections 15-10 of that act comprehensively ad-

addressed the subject of service of process, and the committee was unconvinced that that section, in conjunction with the "long-arm" statute, RSA 510:14, were no longer sufficient in scope and clarity to enable efficient and fair service for process. Vote 14-0.

HB 1411-FN, reducing certain fines for motor vehicle violations and repealing the surcharge on entry fees for small claims actions and the district court mediation fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Bette R. Lasky for Judiciary: This bill would repeal RSA 6:12 I(b)(235) establishing the court mediation fund which was passed a year ago. The reduction of fines for motor vehicle violations is the subject matter of HB 1243, which was referred to Way & Means. Vote 13-4.

HB 1721, relative to changes in the use of weighted caseload statistics in the calculation of the salaries of part-time district court justices. **REFER FOR INTERIM STUDY.**

Rep. Gregory M. Sorg for Judiciary: Presently, part-time district and probate court judges are paid on the basis of weighted values assigned to each type of case. Units are assigned related to the average judicial time that has been deemed to be required for each type of case. This bill would revise the weight among the various case types. The committee concluded that the entire concept of a case-type basis of payment requires an in-depth study so that justice may be rendered in the most financially efficient way. A possible alternative might be a case out-come basis, which would weight a case of a particular type that is settled by a plea differently from one that goes to trial, or that ends with an oral ruling from the bench differently from one that requires a detailed written opinion. Vote 17-0.

HB 1103, relative to creating county commissioner districts in Strafford County. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for Municipal and County Government: The bill as presented to the committee would have established three separate county commissioner districts in Strafford County. The committee heard no compelling evidence as to why things should change. The argument was made that the nine other counties do this, why shouldn't Strafford? Strafford County is unique in that it is the smallest county in land mass and is serviced by only one daily paper. The end result is the concerns of all citizens are heard no matter where they reside. As chance may have it, the current commissioners now are from different regions of the county. This committee is uncomfortable changing the law without just cause. Vote 15-0.

HB 1212-FN, relative to the relocation of manufactured housing having delinquent property taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: Currently no building or structure that is taxed as real estate can be moved or relocated unless the owner of the building or structure delivers to the person moving the same a receipted tax bill that gives evidence that taxes assessed as of April 1 have been paid in full or a statement signed by a majority of the board of selectmen or assessors that the same may be moved without payment of assessed taxes. The committee heard the original bill on January 5, 2006 without the prime sponsor in attendance due to an injury. We heard testimony that opposed the bill from tax collectors and selectmen. There was one person that spoke in favor of the original bill. When asked what was good in the bill, the reply was that nothing could be found. The hearing was continued to January 17, 2006 to allow time for the prime sponsor to be in attendance. At this time, the prime sponsor submitted an amendment that made many major changes to the bill. What the amendment would do is allow for certain manufactured housing to be removed from a municipality without having documentation that the delinquent taxes were paid. The committee feels that this is not fair to all other property taxpayers who are required to pay their taxes. Vote 12-0.

HB 1245 FN-L, allowing municipalities to be paid usage fees for services provided to county government. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: This bill was introduced to allow municipalities that provide services to county government to adopt a county government usage fee program and be paid fees for such services. The municipality would set reasonable costs for these services and the bill further mandated that the municipality shall bill the commissioners all fees due. The passage of this bill would start to erode the property exemption granted for all political subdivisions granted by the General Court. This is a local issue regarding a host municipality and a governmental entity that requires the governing bodies of both entities to sit down and

resolve their differences. There are benefits and costs associated with having a governmental entity within a municipality's boundaries. Although this bill was introduced with one municipality's issue, if passed it would have negatively affected the relationship between all host municipalities and their governmental entities. Vote 13-2.

HB 1251-FN, relative to receipt by counties of federal funds for public assistance. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: This bill allows counties to directly receive federal funds designated for public assistance programs for which the counties are responsible for payment. The intent has merit, but the bill does not lend itself to the intent. Much of the federal funding is received by the state in the form of Block Grants which also have generalized restrictions. So to do as this bill wishes, the federal government would need to change the process to allow the counties to receive the payment directly. Vote 14-1.

HB 1371, relative to requiring approval for extended absences for elected county officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for Municipal and County Government: This bill requires an elected county officer who wishes to take an absence from the position for more than two weeks, except for the case of illness, to get prior approval from the county commissioners. All elected county officers are independently elected and therefore they are responsible to the electorate for their actions. There is no recall for county officers. Therefore informing the voters of the individual's actions will give the electorate the opportunity to determine if they want the individual involved to continue serving them or not. Vote 15-0.

HB 1434, establishing a study committee to investigate municipal tax exemptions for nursing homes. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for Municipal and County Government: The bill's sponsor was not present for the public hearing and none of the co-sponsors could explain the issue that justified this bill. The committee did not have any just cause to pass this bill. Vote 15-0.

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll. **OUGHT TO PASS.**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill names the bridge that spans the Ammonoosuc River on Route 302 in the town of Carroll, the Richard Monahan Bridge. The naming of the bridge recognizes Vietnam Veteran Richard Monahan, who died from complications of Agent Orange exposed to while serving his country in Vietnam. Richard Monahan grew up in Twin Mountain which is part of Carroll. After his service in Vietnam, Richard Monahan returned to Carroll and served as Chief of Police. The Carroll selectmen voted to support the naming of the bridge. No state funds will be used to pay for the design, construction, maintenance, or installation of the sign. Vote 15-0.

HB 1169-L, relative to highway construction safety. **INEXPEDIENT TO LEGISLATE.**

Rep. James W. Danforth for Public Works and Highways: This bill would establish a new statute requirement for the wearing of reflective highly visible clothing by persons working on state highways. Public testimony to the committee was that both current state policy and federal regulations required a higher standard than was outlined and that this bill would not improve safety for construction workers as written. Worker safety standards are currently set by Occupational Health and Safety Administration in Federal statutes. Currently all persons working on a state highway are required to wear highly reflective clothing, not just the one requested in this bill. Vote 18-0.

HB 1198, establishing a committee to study highway rest areas. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Rausch for Public Works and Highways: This bill establishes a committee to study highway rest areas to better serve tourists and other motorists. Testimony indicated a need to improve the state rest areas. The Department of Transportation and the Department of Resources and Economic Development have concerns that the rest areas are not fully integrating all of the resources of the state. Both departments want to enhance the rest areas to benefit our citizens, tourists and motorists. The Department of Transportation recognizes that the rest areas are valuable resources and hopes the study will find ways to utilize them so tourists and motorists will have access to all of the products and services New Hampshire has to offer. The amendment adds the Department of Agriculture to the list of agencies giving assistance to the study committee. Vote 12-3.

Amendment (0394h)

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The committee shall seek assistance from the liquor commission and the departments of transportation, resources and economic development, revenue administration, safety, and agriculture, markets, and food.

HB 1228-FN, relative to the sale or lease of state-owned real estate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Rausch for Public Works and Highways: This legislation is relative to the disposal of real property owned by the state. The Long Range Capital Planning and Utilization Committee requested this bill to require all state agencies to charge a fee that covers all administrative expenses incurred to dispose of the property. Currently some agencies do while others do not. Research by the Long Range Capital Planning and Utilization Committee, with the cooperation of the agencies, has determined the cost basis for the fee is \$1,100. The amendment requires the revenue from the administrative fee be deposited into the state fund from which the property was initially purchased, or into the general fund. This administrative fee is still subject to the approval of the Long Range Capital Planning and Utilization Committee. Vote 15-0.

Amendment (0402h)

Amend RSA 4:40, III-a as inserted by section 1 of the bill by replacing it with the following:

III-a. All state agencies shall charge an administrative fee for the disposal of real property under this section. The administrative fee shall be at least \$1,100 and shall be subject to the approval of the long range capital planning and utilization committee. The revenue from the administrative fees shall be deposited into the general, highway, turnpike, or fish and game fund, depending on which fund initially purchased the property.

HB 1268-FN-A, making a capital appropriation for air conditioning in the House of Representatives chamber in the state house. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: A bid package has been issued for improvements to the ventilation system in the House of Representatives Chamber to be accomplished with previously appropriated funds. A bid option to add the additional elements that would complete the air conditioning is part of the package. Bids are expected to be in by mid-March and it is anticipated that existing funds will be sufficient to cover the cost of installing the air system in the Chamber. Further, the committee is very reluctant to support a request for a capital appropriation during the second year of the biennial budget cycle. Vote 13-0.

HB 1364, establishing a commission to study the best use and possible transfer of certain state-owned land in the town of Brentwood. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L. Benn for Public Works and Highways: This bill called for a study committee to determine the best use and possible transfer of certain state-owned land in the Town of Brentwood. The land in question is a 35 acre reserve owned by the NH Fish and Game Department. It contains several buildings near the road; a house, single car garage, two car garage used for storage/workshop and several chicken coop type structures all of which are in some level of disrepair. The remainder of the parcel is an open space reserve. The Fish and Game Department testified that they intend to maintain the property as open space with public access and have no plans to sell the property. The committee determined that a study was not needed since the town's concern regarding any negative impact resulting from the future use of the property is not justified at this time. If the Fish and Game Department should, in the future, decide to sell the property it would have to go through the CORD process and the town would not only have input into that process, but would be first in line to acquire the property if it so chose. Vote 13-0.

HB 1468-FN-L, relative to Reservoir Road in the town of Deering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bernard L. Benn for Public Works and Highways: At the request of the Town of Deering, this bill reclassifies a portion of a Class II state road to a Class V local road. In addition, the bill was amended to include a similar request from the Town of Hanover to extend the Urban Compact Area by reclassifying a portion of a Class I state highway to a Class IV road. In both cases, the New Hampshire Department of Transportation agreed to the changes. Vote 15-0.

Amendment (0391h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover. Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Lyme Road in the Town of Hanover; Classification Changed to Class IV. The class I portion of Lyme Road in the town of Hanover, from the compact line at station 123+55 of New Hampshire project number 45-99, dated 1962, to approximately station 132+00, shall be reclassified as a class IV highway, with the compact line reestablished at that point.

AMENDED ANALYSIS

This bill reclassifies a portion of Reservoir Road in the town of Deering as a class V highway. The bill also reclassifies a portion of Lyme Road in the town of Hanover as a class IV highway.

HB 1471-FN, repealing the statutes relative to regional highway conferences. **OUGHT TO PASS.** Rep. James B. Rausch for Public Works and Highways: This bill repeals the statutes relative to regional highway conferences. The legislation is at the request of the Department of Transportation, as a housekeeping measure. The issues and public hearings are currently being held and discussed as part of the 10-Year Highway planning process. These conferences are redundant and not necessary. Vote 12-0.

HB 1540, establishing a committee to study implementation of the regional electronic toll collection system. **INEXPEDIENT TO LEGISLATE.**

Rep. David B. Campbell for Public Works and Highways: There are already two committees directly overseeing the implementation of the E-Z Pass System. The two committees presently overseeing E-Z Pass are the Capital Budget Overview Committee and the House and Senate E-Z Pass Task Force, which consists of five Senators, five Representatives, two Councilors and two gubernatorial appointees. Vote 14-0.

HB 1573, establishing a committee to study the scheduling and conduct of state construction projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: The committee proposed by this bill would be largely redundant to procedures and forums that currently are used to determine scheduling and conduct of state construction projects. The 10-Year Transportation Improvement Plan (TIP) is established and updated every two years using a well defined process. Improvements to this process can be considered as part of the process. Any member wishing to learn more about the 10-Year Highway Plan planning process may stop by Room 201 in the LOB to pick up a pamphlet describing this process. Vote 15-0.

HB 1712-FN-A, making an appropriation for design and engineering costs for the expansion of the northern New Hampshire correctional facility and for the design, engineering, and construction of a minimum security building at the northern New Hampshire correctional facility. **INEXPEDIENT TO LEGISLATE.**

Rep. John A. Graham for Public Works and Highways: This bill would have appropriated \$300,000 for designing an expansion of the Berlin Prison and an additional \$100,000 for the construction of a minimum security building. While the committee is supportive of the expansion of the Berlin facility, this bill is not the vehicle to accomplish this project. The Berlin Prison was built on a design/build concept to accommodate one thousand prisoners. However, the prison was constructed with 500 beds. The committee recommends that the Department of Corrections review the original plans and immediately institute a design build project for the expansion in order to be ready for the next capital budget. The committee is ready to work with the Department, if necessary, to bring this project forward. Vote 15-1.

HB 1210, restricting the speed of remote controlled model boats. **INEXPEDIENT TO LEGISLATE.** Rep. David H. Russell for Resources, Recreation and Development: This bill was introduced at the request of a constituent whose property had sustained substantial damage by a remote controlled boat. While the committee is certainly sympathetic to the case, the general consensus was that these cases are best handled locally. If that fails, certainly the civil courts could solve any litigation. For purposes of this bill, "headway speed" is not applicable. Vote 14-1.

HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. **OUGHT TO PASS.**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Head's Pond is a 120 acre shallow pond surrounded by a 100 foot buffer and with the shore land owned by one corporate owner. The shore land owner allows access although there is not a road or launch ramp, carry-in boats could be used. This bill is supported by the Hooksett Planning Board and the Hooksett Conservation Commission. Vote 14-0.

HB 1120-FN-L, relative to Internet access in public libraries. **INEXPEDIENT TO LEGISLATE.** Rep. James M. Garrity for Science, Technology and Energy: Although the original intent of this bill is laudable, the committee found that most local libraries already have reasonable Internet access policies in place to address web access by children or minors. These policies include, but are not limited to: parental permission to use computers; parental accompaniment and direct supervision; separated filtered computers in children's areas; and visual supervision by library staff. The sponsor has agreed that this bill was not ready for prime time, and has started a dialogue within the New Hampshire Library Association to discuss on-going policy improvements or recommendations in this area. Vote 14-1.

HB 1163, establishing a commission to study the feasibility of developing a conversion system for motor vehicles to operate on multiple fuels. **INEXPEDIENT TO LEGISLATE.**

Rep. James H. Lawrence for Science, Technology and Energy: Although the majority of the committee fully supports the concept of exploring alternative fuel systems for motor vehicles, it does not feel it is necessary to have a study commission on this topic at this time. Currently there are already a number of initiatives in this area being looked at by the New Hampshire Department of Environmental Services. In addition, the private sector has already taken the lead in developing and producing motor vehicle technologies aimed at the accomplishment of the goals proposed in this legislation. Vote 12-1.

HB 1164, requiring cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. **INEXPEDIENT TO LEGISLATE.**

Rep. Lynne M. Ober for Science, Technology and Energy: This bill would require all cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. Cellular telephone providers have emergency plans which include mobile self-powered transmitters that can be moved into areas where a cellular tower has failed or areas where additional capacity is needed. Some cellular towers are located in areas where local ordinances prohibit installation of backup capacity. If this legislation is passed these towers could no longer be used resulting in a loss of cellular service in some areas of the state. The committee unanimously felt that the combination of existing backup plans coupled with the potential loss of service in many areas offered significant reasons for not requiring this legislation. Vote 14-0.

HB 1383, defining deconstruction for purposes of solid waste management. **INEXPEDIENT TO LEGISLATE.**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill is directed at the existing solid waste management source reduction policy (RSA 149-M: 2). The bill attempts to redefine the state's first priority in source reduction from recycle and reuse and instead require deconstruction as it relates to construction debris. The committee agreed that the issue is one of management of these construction materials as they are reclaimed and recycled and not a technical problem. The existing recycling market is reclaiming all salvageable material as a matter of economics today. Vote 14-1.

HB 1507, requiring the department of environmental services to report on and make recommendations on global warming issues in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill attempts to establish a green energy policy for the state. It would promulgate the purchase of 20% renewable energy, 'greening' of the state motor vehicle fleet, reduce government use of energy by 25% and control sprawl. It also requires the Department of Environmental Services to study, report and make recommendations on global warming. The committee agrees that this is an expansive bill that includes several items of interest and concern. However, existing policy and laws governing these processes in the state need to be considered. The costs associated with these principles require evaluation and several existing bills and studies this year will afford more participation and deliberation. We encourage the sponsor to work with the various committees working on these policies. Vote 15-0.

HB 1579, relative to membership of the air resources council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William V. Chase for Science, Technology and Energy: The air resources council advises the Department of Environmental Services (DES) on air pollution policy and serves as the appeals panel for decisions by the DES for violations of air pollution rules and regulations. The legislative statute creating the air resources council, RSA 21-0:11, specifies that one of the eleven members of the council be a licensed practicing physician. The council has been unable to obtain consistent physician representation. In order to obtain more consistent representation by a health care professional, the council and DES have requested that the requirement to have a physician as a member of the council be changed to "a licensed practicing physician or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution." Vote 13-0.

Amendment (0312h)

Amend RSA 21-0:11, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an air resources council which shall be composed of 11 members, including one representing the steam power generating industry; one representing the oil industry; one representing the natural gas industry; one representing the manufacturing component of industry; one representing the field of municipal government; and 6 members appointed at large who shall represent the public interest, one of whom shall be a licensed practicing physician *or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution*, one of whom shall represent the field of recreation, and at least one of whom shall represent environmental interests. The council members who shall represent the public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any person subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of the executive council. Each member shall serve for a term of 4 years.

AMENDED ANALYSIS

This bill permits a health care professional with certain expertise to serve on the air resources council instead of a licensed practicing physician.

HJR 22, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research. **OUGHT TO PASS.**

Rep. James M. Garrity for Science, Technology and Energy: New Hampshire recently became a member of the Experimental Program to Stimulate Competitive Research (EPSCoR) and is pursuing grants from the National Science Foundation. Passage of this resolution is needed to show the National Science Foundation that the New Hampshire General Court stands firmly behind EPSCoR research, development and economic development efforts. Vote 14-0.

HB 1145, permitting vehicles to proceed straight through an intersection after stopping for a red light. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have permitted vehicles to proceed straight through an intersection on red after stopping. The committee saw this law becoming the disaster of right on red after stopping. Today so many don't stop, much less slow down. The sponsor of the bill believes this is a way to save fuel. The trade off is lives for gasoline, a poor trade at best. We have become a hurry-up society to the point that people speed up on yellows and then proceed through an intersection before the red is illuminated. Drivers will not focus on emergency vehicles coming from the opposite directions. Vote 13-0.

HB 1161, requiring vehicles to be equipped with a useable spare tire. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: Even if you required this as statutory law, most people cannot change their own tires because of age, health, spare tire may have gone flat, no knowledge of how to do it, no jack or don't know how to use one, and if the tire was put on with an air wrench most people will not be able to get the lug nuts off. We are concerned about people breaking down

on the side of the road but this bill won't get them off the highway any faster by requiring a useable spare tire in vehicles. It also would have included trailers, motorcycles and trucks. Absent of a search warrant an officer cannot look into a person's trunk for enforcement. Today's technology of no flat tires will take care of the problem. Vote 13-0.

HB 1367, prohibiting vehicle number plate covers that obscure the plate numbers. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill prohibited vehicle plate covers that obscure the plate numbers. Current inspection code already prohibits this practice, making this bill unnecessary. Vote 13-0.

HB 716-FN, relative to securities regulation. **OUGHT TO PASS.**

Rep. Jim Ryan for Ways and Means: This bill brings regulation of the security industry into the 21st century by improving aspects of regulation and oversight of the securities industry. The bill was carefully reviewed by the Commerce Committee and was passed to the Ways and Means Committee after unanimous action by the Commerce Committee. The Ways and Means Committee reviewed the bill in terms of licensing fees for broker-dealers and noted no decrease in revenue to the State. Vote 13-0.

HB 1179, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission. **OUGHT TO PASS.**

Rep. Kevin L. Camm for Ways and Means: This bill repeals a requirement that DOT spend an amount of its budget for litter removal that is based on fees paid to the Liquor Commission. Testimony from DOT indicated they spend \$1.2 million annually on litter removal. The reference Liquor Commission requirement was approximately \$800,000. The committee agrees with the sponsors that the requirement is redundant and unnecessary. Vote 12-1.

REGULAR CALENDAR

SPECIAL ORDERS

HB 39, relative to sex education in public schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara J. Hagan for the Majority of Education: This bill, with amendment, merely allows an additional method for parents to exercise to opt their children out of any courses in human sexuality or family relations which conflict with their religious beliefs. The bill is patterned after current New Hampshire law with respect to the New Hampshire Immunization Program whereby parents sign a Certificate of Religious Exemption and are thereby exempt from having to be immunized. The bill gives an opening to parents where inconsistencies appear in the local districts. Vote 12-8.

Rep. Emma L. Rous for the Minority of Education: This bill is unnecessary and provides options for parents already in place in rules and practice around the state. By specifying a religious basis for opting out of sex ed, we may actually narrow the basis for opting out. In addition, the bill mistakenly allows parents to opt out of a "course" rather than a "unit."

Majority Amendment (0104h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting a religious exemption from courses on human sexuality or family relations. Amend the bill by replacing all after the enacting clause with the following:

1 New Section; School Boards; Religious Exemption. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Religious Exemption for Courses in Human Sexuality or Family Relations.

1.(a) Each public and nonpublic school shall permit a pupil to claim a religious exemption from any course on human sexuality or family relations upon the execution of a notarized religious exemption form. The form shall be available in the school principal's office, school nurse's office, and the guidance office, and shall be as follows:

CERTIFICATE OF RELIGIOUS EXEMPTION

PUPIL'S NAME _____
 BIRTH DATE _____
 ADDRESS _____
 NAME OF COURSE _____

The above-named school health course or health instruction in human sexuality or family relations conflicts with the above-named pupil's and/or parent/guardian's religious beliefs. By the affixed signature below, I/we the parent(s)/guardian(s) affirm that the above-named pupil is exempt from attendance or participation in such course. (Only one parent/guardian signature is necessary to execute this exemption.)

Signature of parent/guardian _____
Date _____

Signature of parent/guardian _____
Date _____

I hereby affirm that this affidavit was signed in my presence on this _____ day of _____ by _____ known to me or demonstrated to me to be the legal parent(s)/guardian(s) of the above-named pupil.
Notary Public Seal _____

Notary Public/Justice of the Peace
(b) The school district shall retain a copy of the executed form and shall furnish a copy to the parent or legal guardian of an exempt pupil.
II. The form shall be posted on the website of the department of education and the website of the local school district, and shall be contained in the policy handbook, orientation materials, or other similar publications presented to parents at the beginning of the school year.
III. Nothing in this section shall be construed to prohibit instruction in personal hygiene or biology.
IV. The execution of this form shall not constitute grounds for denial of credits to a pupil.
2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill implements a procedure requiring public and nonpublic schools to grant a religious exemption from any course on human sexuality or family relations.
Reps. Stiles and Giuda spoke against.
Rep. Rous spoke against and yielded to questions.
Rep. Hagan spoke in favor.
Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 162 NAYS 178

YEAS 162
BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Pelkey, Stephen
Sawyer, Sheldon			

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Dyer, Donald	Elliott, Nancy	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Judy, Jean	L'Heureux, Robert	Lessard, Rudy
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert
Messier, Irene	Mooney, Maureen	O'Brien, William	Ober, Lynne
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Slocum, Lee
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Currier, David	Danforth, James	Field, William	Hess, David
Kennedy, Richard	Klose, John	Langlais, Thomas	Marple, Richard
Reed, Dennis	Soltani, Tony	Whiting, Herbert	

ROCKINGHAM

Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Sanders, Elisabeth	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George			

STRAFFORD

Albert, Russell	Berube, Roger	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Newton, Clifford	Twombly, James

SULLIVAN

Irish, Christopher	Osgood, Philip Sr
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NAYS 178**BELKNAP**

Heald, Bruce	Millham, Alida	Morrison, Gail	Pilliod, James
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CARROLL

Buco, Thomas	Dickinson, Howard	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert			

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Martin, Mary Ellen	Michon, Stephen	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bridle, Russell
Cali-Pitts, Jacqueline	Casey, Kimberley	Dalrymple, Janeen	Flockhart, Eileen
Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth	Langley, Jane
Major, Norman	Mason, April	Moody, Marcia	Moore, Benjamin
Norelli, Terie	Powers, James	Rausch, James	Robertson, Carl
Scamman, Stella	Serlin, Christopher	Splaine, James	Stiles, Nancy

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen	Rodeschin, Beverly		

and the majority committee amendment failed.
Rep. Hagan offered floor amendment (0441h).

Floor Amendment (0441h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting a religious exemption from courses on human sexuality or family relations.
Amend the bill by replacing all after the enacting clause with the following:

1 New Section; School Boards; Religious Exemption. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Religious Exemption for Courses in Human Sexuality or Family Relations.

I.(a) Each public and nonpublic school shall permit a pupil to claim a religious exemption from any course on human sexuality or family relations upon the execution of a religious exemption form. The form shall be available in the school principal's office, school nurse's office, and the guidance office, and shall be as follows:

CERTIFICATE OF RELIGIOUS EXEMPTION

PUPIL'S NAME _____

BIRTH DATE _____

ADDRESS _____

NAME OF COURSE _____

The above-named school health course or health instruction in human sexuality or family relations conflicts with the above-named pupil's and/or parent/guardian's religious beliefs. By the affixed signature below, I/we the parent(s)/guardian(s) affirm that the above-named pupil is exempt from attendance or participation in such course. (Only one parent/guardian signature is necessary to execute this exemption.)

Signature of parent/guardian _____

Date _____

Signature of parent/guardian _____

Date _____

(b) The school district shall retain a copy of the executed form and shall furnish a copy to the parent or legal guardian of an exempt pupil.

II. The form shall be posted on the website of the department of education and the website of the local school district, and shall be contained in the policy handbook, orientation materials, or other similar publications presented to parents at the beginning of the school year.

III. Nothing in this section shall be construed to prohibit instruction in personal hygiene or biology.

IV. The execution of this form shall not constitute grounds for denial of credits to a pupil.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill implements a procedure requiring public and nonpublic schools to grant a religious exemption from any course on human sexuality or family relations.

Rep. Rous spoke against.

Rep. Hagan spoke in favor and requested a roll call; sufficiently seconded.

YEAS 149 NAYS 194

YEAS 149

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	Knox, J David
McConkey, Mark	Morrow, Harry	Stevens, Stanley	

CHESHIRE

Emerson, Susan	Pelkey, Stephen	Sawyer, Sheldon
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COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric			

GRAFTON

Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Sorg, Gregory	Ward, John
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Buhlman, David
 Christensen, D L Chris
 Dyer, Donald
 Goyette, Peter Jr
 Hinkle, Peyton
 L'Heureux, Robert
 Matarazzo, Anthony Sr
 Mooney, Maureen
 Pilote, Maurice
 Rowe, Robert
 Stepanek, Stephen
 Wheeler, James

Allan, Nelson
 Boehm, Ralph
 Calawa, Leon Jr
 Christiansen, Lars
 Elliott, Nancy
 Hagan, Barbara
 Hirschmann, Keith
 Lessard, Rudy
 McRae, Karen
 O'Brien, William
 Price, Pamela
 Ryder, Donald
 Tahir, Saghir

Batula, Peter
 Brassard, Paul
 Carew, James
 Clark, Mark
 Gibson, John
 Hawkins, Ken
 Infantine, William
 Manney, Pamela
 Mead, Robert
 Ober, Lynne
 Reeves, Sandra
 Slocum, Lee
 Ulery, Jordan

Bergeron, Jean-Guy
 Brundige, Robert
 Carter, Mark
 Coughlin, Pamela
 Gonzalez, Carlos
 Hellwig, Steve
 Jasper, Shawn
 Martin, Mary Ellen
 Messier, Irene
 Pepino, Leo
 Renzullo, Andrew
 Souza, Kathleen
 Villeneuve, Maurice

MERRIMACK

Currier, David
 Kennedy, Richard
 Reed, Dennis

Danforth, James
 Klose, John
 Soltani, Tony

Field, William
 Langlais, Thomas
 Whiting, Herbert

Hess, David
 Marple, Richard

ROCKINGHAM

Asselin, Michael
 Buxton, Donald
 Charron, Gene
 Doyle, Christopher
 Garrity, James
 Hughes, Daniel
 Lund, Howie
 O'Neil, Michael
 Quandt, Matthew
 Weare, E Albert
 Winchell, George

Bettencourt, David
 Cady, Harriet
 Coburn, James
 Dumaine, Dudley
 Griffin, Mary
 Ingram, Russell
 McKinney, Betsy
 Packard, Sherman
 Rolston, James
 Welch, David

Bicknell, Elbert
 Camm, Kevin
 Cooney, Richard
 Fesh, Bob
 Headd, James
 Johnson, Robert
 McMahon, Charles
 Palazzo, Frank
 Sanders, Elisabeth
 Wells, Roger

Bishop, Franklin
 Carson, Sharon
 Dowd, John
 Forsing, Robert
 Hopfgarten, Paul
 Kobel, Rudolph
 Nowe, Ronald
 Quandt, Marshall Lee
 Waterhouse, Kevin
 Weyler, Kenneth

STRAFFORD

Albert, Russell
 Chaplin, Duncan

Berube, Roger
 Easson, Timothy

Campbell, W Packy
 Newton, Clifford

Cataldo, Sam
 Twombly, James

SULLIVAN

Osgood, Philip Sr

NAYS 194**BELKNAP**

Millham, Alida
 Thomas, John

Morrison, Gail
 Veazey, John

Nedeau, Stephen

Pilliod, James

CARROLL

Babson, David Jr
 Olimpio, J Lisbeth

Buco, Thomas
 Patten, Betsey

Dickinson, Howard
 Philbrick, Donald

Martin, James

CHESHIRE

Allen, Peter
 Coates, Christopher
 Espieffs, Peter
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

Butcher, Suzanne
 Dexter, Judson
 Foote, Sheila
 Parkhurst, Henry
 Roberts, Kris

Butynski, William
 Dunn, J Timothy
 Hogancamp, Deborah
 Plifka, Stanley Jr
 Robertson, Timothy

Chase, William
 Eaton, Daniel
 Hunt, John
 Pratt, John
 Tilton, Anna

COOS

Buzzell, Bernard
 Theberge, Robert

Mears, Edgar
 Tholl, John Jr

Merrick, Scott

Remick, William

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Jeady, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Velez, Hector	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Kidder, David	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bridle, Russell
Cali-Pitts, Jacqueline	Casey, Kimberley	Dalrymple, Janeen	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl	Gould, Kenneth
Katsakiores, George	Katsakiores, Phyllis	Langley, Jane	Major, Norman
Mason, April	Moody, Marcia	Moore, Benjamin	Norelli, Terie
Powers, James	Rausch, James	Robertson, Carl	Scamman, Stella
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Jillette, Arthur Jr	Prichard, Stephen	Rodeschin, Beverly	

and floor amendment (0441h) failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Foster spoke against.

Motion failed.

Rep. Rous moved Inexpedient to Legislate.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 244 NAYS 106**YEAS 244****BELKNAP**

Clark, Charles
Millham, Alida
Russell, David

Fitzgerald, James
Morrison, Gail
Tobin, William

Flanders, Donald
Nedeau, Stephen
Veazey, John

Heald, Bruce
Pilliod, James

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Buco, Thomas
Martin, James
Philbrick, Donald

Chandler, Gene
Morrow, Harry
Stevens, Stanley

CHESHIRE

Allen, Peter
Coates, Christopher
Emerson, Susan
Hunt, John
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dexter, Judson
Espieffs, Peter
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butynski, William
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Roberts, Kris

Chase, William
Eaton, Daniel
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Merrick, Scott
Tholl, John Jr

King, Frederick
Remick, William

Lary, Bruce
Stohl, Eric

Mears, Edgar
Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Almy, Susan
Eaton, Stephanie
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Hammond, Lee
Naro, Debra
Ward, John

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Calawa, Leon Jr
Clemons, Jane
Craig, James
Drisko, Richard
Gargas, Carolyn
Goley, Jeffrey
Haley, Robert
Irwin, Anne-Marie
Kopka, Angeline
Martin, Mary Ellen
O'Connell, Timothy
Price, Pamela
Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

Barry, J Gail
Carter, Mark
Cote, David
Daniuk, Caitlin
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Hall, Betty
Jasper, Shawn
Kurk, Neal
Messier, Irene
Ober, Lynne
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Chase, Claudia
Cote, Peter
DeVries, Betsi
Essex, David
Ginsburg, Ruth
Goyette, Peter Jr
Harvey, Suzanne
Jean, Claudette
Lasky, Bette
Michon, Stephen
Pappas, Christopher
Rowe, Robert
Shaw, Kimberly
Vaillancourt, Steve

Bergin, Peter
Christensen, D L Chris
Coughlin, Pamela
Dokmo, Cynthia
Foster, Linda
Golding, William
Graham, John
Holden, Randolph
Johnson, Paula
Lessard, Rudy
Movsesian, Lori
Pilotte, Maurice
Schulze, Joan
Smith, David
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Hager, Elizabeth
Kidder, David
MacKay, James

Blanchard, Elizabeth
Currier, David
French, Barbara
Hamm, Christine
Klose, John
Maxfield, Roy

Bouchard, Candace
Danforth, James
Gile, Mary
Hess, David
L'Heureux, Stephen
McMahon, Patricia

Brueggemann, Donald
DeJoie, John
Greco, Vincent
Kennedy, Richard
Lockwood, Priscilla
Oliver, James

Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Reed, Dennis
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Casey, Kimberley
Dowd, John
Francoeur, Sheila
Hughes, Daniel
Major, Norman
Moore, Benjamin
Powers, James
Serlin, Christopher
Wells, Roger

Allen, Mary
Buxton, Donald
Charron, Gene
Flanders, John Sr
Gilbert, Karl
Katsakiores, George
Mason, April
Norelli, Terie
Rausch, James
Splaine, James
Winchell, George

Asselin, Michael
Cali-Pitts, Jacqueline
Cooney, Richard
Flockhart, Eileen
Gould, Kenneth
Katsakiores, Phyllis
McMahon, Charles
O'Neil, Michael
Robertson, Carl
Stiles, Nancy

Belanger, Ronald
Carson, Sharon
Dalrymple, Janeen
Forsing, Robert
Headd, James
Langley, Jane
Moody, Marcia
Packard, Sherman
Scamman, Stella
Stone, Joseph

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Jennifer
Creteau, Irene
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Katherine

Brown, Julie
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Gale, Harry
Rodeschin, Beverly

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 106

BELKNAP

Allen, Janet
Tilton, Franklin

Boyce, Laurie
Whalley, Michael

Rosen, Ralph

Thomas, John

CARROLL

Brown, Carolyn

McConkey, Mark

CHESHIRE

Pelkey, Stephen

Sawyer, Sheldon

COOS

Morneau, Renney

Richardson, Herbert

GRAFTON

Dorsett, Andrew
Maybeck, Margie

Gionet, Edmond
Mirski, Paul

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Buhlman, David
Crane, Elenore Casey
Gonzalez, Carlos
Hellwig, Steve
Judy, Jean

Allan, Nelson
Boehm, Ralph
Carew, James
Dyer, Donald
Hagan, Barbara
Hinkle, Peyton
L'Heureux, Robert

Batula, Peter
Brassard, Paul
Christiansen, Lars
Elliott, Nancy
Hansen, Ryan
Hirschmann, Keith
Lawrence, James

Bergeron, Jean-Guy
Brundige, Robert
Clark, Mark
Gibson, John
Hawkins, Ken
Infantine, William
Manney, Pamela

Matarazzo, Anthony Sr
Moran, Edward
Renzullo, Andrew
Stepanek, Stephen
Wheeler, James

McRae, Karen
O'Brien, William
Ryder, Donald
Tahir, Saghir

Mead, Robert
Pepino, Leo
Slocum, Lee
Ulery, Jordan

Mooney, Maureen
Reeves, Sandra
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Field, William
Whiting, Herbert

Langlais, Thomas

Marple, Richard

Soltani, Tony

ROCKINGHAM

Bettencourt, David
Camm, Kevin
Fesh, Bob
Hutchinson, Karen
Lund, Howie
Quandt, Marshall Lee
Waterhouse, Kevin

Bicknell, Elbert
Coburn, James
Garrity, James
Ingram, Russell
McKinney, Betsy
Quandt, Matthew
Weare, E Albert

Bishop, Franklin
Doyle, Christopher
Griffin, Mary
Johnson, Robert
Nowe, Ronald
Rolston, James
Welch, David

Cady, Harriet
Dumaine, Dudley
Hopfgarten, Paul
Kobel, Rudolph
Palazzo, Frank
Sanders, Elisabeth
Weyler, Kenneth

STRAFFORD

Albert, Russell
Easson, Timothy

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Twombly, James

Chaplin, Duncan

SULLIVAN

Irish, Christopher
and the motion was adopted.

Osgood, Philip Sr

HB 76, revising the process of charter school approval by the state board of education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Claire D. Clarke for the Majority of Education: The majority of the committee agreed that local school districts should not have to make payments to charter schools from their adequacy dollars and then have to wait two years to be reimbursed by the state. Since New Hampshire law states charter schools are "public schools," they should be funded accordingly. Since the state provides for education as a common goal for the benefit of all, the public charter schools, in order to be successful, should be directly funded by the state. Vote 17-1.

Rep. Paul C. Ingbreton for the Minority of Education: While this bill addresses an important problem confronting charter school funding, a portion of the bill goes well beyond state law by disallowing religious-based institutions that serve a secular purpose from ever receiving state funds or becoming charter schools.

Majority Amendment (0024h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to distribution of state aid to charter schools.

Amend the bill by replacing all after the enacting clause with the following:

1 Charter and Open Enrollment Schools; Funding. Amend RSA 194-B:11, I to read as follows:

I. There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil's resident district. For any other charter or open enrollment school authorized by the school district, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. For any charter school authorized by the state board of education, ~~[the pupil's resident district shall pay tuition beginning July 1, 2005 and every fiscal year thereafter,]~~ *and not approved by the local school district, the state shall pay education aid directly to the charter school for each pupil who is a resident of this state in attendance at such charter school [in an amount per pupil determined]* as follows:

(a) For the fiscal year beginning July 1, 2005, \$3,500 annual tuition.

(b) For every fiscal year thereafter, the department of education shall determine the tuition rate by adjusting for the average annual percentage rate of inflation based on the northeast region consumer price index for all urban consumers as published by the Bureau of Labor Statistics, United States Department of Labor. The average shall be based on the 4 calendar years ending 18 months before the beginning of the fiscal year for which the tuition rate is to be determined.

(c) Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of equitable education grants under RSA 198:42 or on such other terms as are mutually acceptable.

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools.

2 Charter and Open Enrollment Schools; Definitions. Amend RSA 194-B:1, III to read as follows:

III. "Charter school" means an open enrollment public school, operated independent of any school board and managed by a board of trustees. A charter school shall operate as a nonprofit secular organization under a charter granted by the state board and in conformance with this chapter *and shall not be affiliated with any religious institution or any nonpublic or sectarian school.*

3 New Paragraph; Charter and Open Enrollment Schools; Board of Trustees. Amend RSA 194B:5 by inserting after paragraph VI the following new paragraph:

VII. Any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services shall make public disclosure of such fact and shall recuse oneself from any business the charter school may have with the for-profit entity. Any contract executed in violation of this paragraph shall be voidable at the discretion of the commissioner of the department of education. A member of a charter school board of trustees who executes a contract in violation of this paragraph may be held personally liable to the charter school for any damages caused by such contract.

4 Repeal. RSA 194-B:11, IX, relative to the issuance of reimbursement anticipation notes to charter schools, is repealed.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires the state to pay education aid directly to a charter school approved by the state board of education.

II. Prohibits a charter school from being affiliated with a religious institution, nonpublic, or sectarian school.

III. Requires any member of a charter school board of trustees who also serves as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

Majority committee amendment adopted.

Rep. Ingbreton offered floor amendment (0401h).

Floor Amendment (0401h)

Amend RSA 194-B:11, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The source of funds for payments under this section shall be from moneys specifically set aside for charter schools *from the education trust fund established in RSA 198:39.*

Amend the bill by replacing section 2 with the following:

2 State Aid; Education Trust Fund. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities' school districts *and to approved charter schools* pursuant to RSA 198:42, and to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61. The state treasurer shall deposit into this fund immediately upon receipt:

AMENDED ANALYSIS

This bill requires the state to pay education aid directly to a charter school approved by the state board of education and requires any member of a charter school board of trustees who also serves

as an employee, agent, or board member of any for-profit entity with whom the charter school contracts for goods or services to make public disclosure of such fact and to recuse oneself from any business the charter school may have with the for-profit entity.

Rep. Ingbreton spoke in favor.

(Deputy Speaker Weyler in the Chair)

Floor amendment (0401h) was adopted.

Majority committee report adopted.

Ordered to third reading.

HB 278, relative to the alternative budget procedure in school administrative units. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Clifford A. Newton for the Majority of Education: This bill will allow communities to adopt the SAU budget at the annual school district elections. The committee feels that with the passage of this bill, towns belonging to multi-district SAU's will have better representation as more people come out to vote at district elections than at district meetings. Vote 15-1.

Rep. Michael A. Balboni for the Minority of Education: The bill would force towns to vote in SB 2 form even if not an SB 2 town. Why should the state dictate that a town must have a particular form of government when the residents of that town want a different form? This is a very dangerous precedent.

Rep. Casey spoke in favor and yielded to questions.

On a division vote, 226 members having voted in the affirmative and 115 members in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 650-FN-L, revising education funding and distribution and establishing needs-based matching grants. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David W. Hess for the Majority of Education: This is another education funding bill which was introduced last January and retained by the Education Committee. However, over the fall, the sponsor of the bill proposed an amendment which, if adopted, would have added yet another targeting factor to the five enacted into law in June. By an overwhelming, bi-partisan 3-1 majority, the committee rejected the amendment. The amendment would make an appropriation for education funding in addition to what is already in law commencing in the next biennium – FY 2008-2009, 20 months into the future. For the first four years, that appropriation would come from dedicated funds – the reductions in transition grants. The committee rejected the proposal for a number of reasons. First, the money that will become available from the reduction in transition grants is already intended to fund the increases in education funding automatically built into current law. Thus, this new targeting would require additional funding over increases already built into law, additional appropriations of approximately \$5 million dollars in FY 2008 and FY 2009, and approximately \$17 million in 2010. Second, such appropriations are being proposed almost 2 and 4 years before-the-fact, when we don't know the fiscal condition of the state, either available revenue or new needs. Third, because the proposal is prospective only, we won't even know the exact size of the appropriation for 2008 until more than a year from now. Fourth, since the targeting is based on median household income, the data relied on will be 9 years out-of-date when it is first used, as this data is derived from the 2000 census and is not officially updated until the 2010 census. Fifth, there is no public call or outcry for such a formula. No one appeared in support of the amendment except the sponsor, and the overwhelming mood among the general public appears to be a request to, just once, leave the funding formula alone. There appears to be a near-universal feeling among the general public that what is needed now in education funding is stability, continuity and predictability. Sixth, no good reason was given for tinkering with the education funding formula this way this year. Any changes other than technical changes should be considered in the session in which they become effective. Seventh, using median household income will add confusion to education funding as current law already uses median family income in its calculations. Finally, many believe that there are better income criteria available than median household income. For example, the New Hampshire Center for Public Policy uses per capita income and median family income in its wealth formula, but not median household income. For one or more of these reasons, the committee rejected the proposed amendment and then voted by the same margin to recommend Inexpedient to Legislate. Vote 14-5.

Rep. Mark S. Carter for the Minority of Education: The minority of the committee supported an amendment to the original bill that would improve the existing targeted aid law by incorporating aid based upon community income, which current law fails to adequately accomplish. A floor amendment and vigorous debate will be offered. The House accepted HB 616, as amended by the Senate, last year, in order to avoid a Committee of Conference outcome that could have been less desirable than the Senate version. It is now time to look at necessary enhancements to achieve improved funding equity.

Reps. Ward and Dunn spoke against.

Reps. Boehm and O'Neil spoke in favor.

Rep. Carter spoke against and yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Rep. Carter requested a roll call; sufficiently seconded.

YEAS 250 NAYS 115

YEAS 250

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Dexter, Judson	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Almy, Susan	Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond
Maybeck, Margie	Mirski, Paul	Solomon, Peter	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Clemons, Jane	Cote, David	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francœur, Bea	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Infantine, William	Jasper, Shawn	Judy, Jean	Johnson, Paula
Kopka, Angeline	Kurk, Neal	L'Heureux, Robert	Lasky, Bette
Lawrence, James	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Michon, Stephen

Mooney, Maureen
O'Connell, Timothy
Price, Pamela
Rowe, Robert
Shaw, Kimberly
Stepanek, Stephen
Villeneuve, Maurice

Moran, Edward
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Slocum, Lee
Tahir, Saghir
Wheeler, James

Movsesian, Lori
Pappas, Christopher
Renzullo, Andrew
Scanlon, Michael
Smith, David
Ulery, Jordan
Wheeler, Robert

O'Brien, William
Pepino, Leo
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Danforth, James
Hager, Elizabeth
Kidder, David
Lockwood, Priscilla
Oliver, James
Whiting, Herbert

Blanchard, Elizabeth
DeStefano, Stephen
Hamm, Christine
Klose, John
MacKay, James
Reed, Dennis

Brueggemann, Donald
Field, William
Hess, David
L'Heureux, Stephen
Marple, Richard
Soltani, Tony

Currier, David
Greco, Vincent
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Buxton, Donald
Carson, Sharon
Dalrymple, Janeen
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Parker, Benjamin
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Charron, Gene
DiFruscia, Anthony
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Hutchinson, Karen
Katsakiores, George
Lund, Howie
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Winchell, George

Asselin, Michael
Bishop, Franklin
Cali-Pitts, Jacqueline
Coburn, James
Donahue, Richard Ken
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Major, Norman
Moore, Benjamin
Palazzo, Frank
Robertson, Carl
Scamman, W Douglas
Weare, E Albert

Belanger, Ronald
Bridle, Russell
Camm, Kevin
Cooney, Richard
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Itse, Daniel
Kobel, Rudolph
Mason, April
Nowe, Ronald
Pantelakos, Laura
Rolston, James
Stiles, Nancy
Welch, David

STRAFFORD

Albert, Russell
Chaplin, Duncan
Grassie, Anne
Spang, Judith

Bickford, David
Creteau, Irene
Kaen, Naida
Twombly, James

Brown, Julie
Dunlap, Patricia
Newton, Clifford

Cataldo, Sam
Easson, Timothy
Smith, Marjorie

Ferland, Brenda
Osgood, Philip Sr

Gale, Harry
Rodeschin, Beverly

Irish, Christopher

Jillette, Arthur Jr

NAYS 115

BELKNAP

Morrison, Gail

CARROLL

CHESHIRE

Allen, Peter
Coates, Christopher
Espiefs, Peter
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Pelkey, Stephen
Roberts, Kris

Chase, William
Emerson, Susan
Pliifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
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GRAFTON

Aguiar, James	Andersen, Gene	Benn, Bernard	Cooney, Mary
Giuda, Robert	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Ward, John		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Carter, Mark
Chase, Claudia	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Essex, David	Garrity, Patrick	Gibson, John
Hagan, Barbara	Haley, Robert	Hall, Betty	Irwin, Anne-Marie
Jean, Claudette	Lefebvre, Roland	Matarazzo, Anthony Sr	Pilotte, Maurice
Shattuck, Gilman	Shaw, Barbara	Sullivan, Francis	Sullivan, Peter
Velez, Hector			

MERRIMACK

Bouchard, Candace	Clarke, Claire	DeJoie, John	Foose, Robert
French, Barbara	Gile, Mary	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Casey, Kimberley	Flockhart, Eileen	Hughes, Daniel	Moody, Marcia
Norelli, Terie	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Serlin, Christopher	Splaine, James		

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Lawrence	Campbell, W Packy
Cilley, Jacalyn	Domingo, Baldwin	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Prichard, Stephen		

and the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it voted **HB 650-FN-L**, revising education funding and distribution and establishing needs-based matching grants, Inexpedient to Legislate.

Rep. O'Neil spoke against.

Reconsideration failed.

REGULAR CALENDAR**SPECIAL ORDERS (CONT'D.)**

HB 664-FN-L, mandating open enrollment in all school districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the Majority of Education: This bill creates communication between students, parents and school boards by allowing reasons for wanting to leave a school and reasons why a student would want to attend a school to be discussed as a real outcome by removing residency requirements. This bill maintains local control by authorizing local school boards to adopt procedures for open enrollment. Vote 14-6.

Rep. Emma L. Rous for the Minority of Education: School districts currently have the option to choose open enrollment, but this bill would make it a requirement. The bill repeals residency requirements for school attendance (RSA 193:12, I), repeals a district's option to vote for open enrollment (RSA 194 B:2, I), and repeals the assurance that no public school shall be required to be open enrollment (RSA B:2, III). The bill places an unreasonable burden on local districts and will lead to greater inequities between districts.

Majority Amendment (0197h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to open enrollment in all school districts.

Amend the bill by inserting after section 2 the following and renumbering the original sections 3-9 to read as 4-10, respectively:

3 New Paragraph; Charter and Open Enrollment Schools; Establishment and Admission. Amend RSA 194-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. No teacher, school administrator, or other school district official shall engage in any action for the purpose of recruiting or otherwise attempting to persuade an individual pupil to attend a specific school. No school district which causes a specific pupil to attend a specific school by engaging in recruitment or persuasion shall receive any per pupil funds for such pupil under RSA 194-B:11, and all funds for any such pupil shall remain with the pupil's resident school district.

AMENDED ANALYSIS

This bill removes the residency requirements for school attendance and requires that all elementary and secondary schools adopt procedures to become open enrollment schools. The bill also prohibits teachers or other school officials from recruiting or attempting to persuade an individual pupil to attend a specific school.

On a division vote, 168 members having voted in the affirmative and 188 in the negative, the majority committee amendment failed.

Rep. W. P. Campbell offered floor amendment (0623h).

Floor Amendment (0623h)

Amend the bill by replacing all after the enacting clause with the following:

1 Charter and Open Enrollment Schools. Amend RSA 194-B:1, VI to read as follows:

VI. "Open enrollment public school" or "open enrollment school" means any public school which, ~~[in addition to providing]~~ **provides** educational services to pupils residing within its ~~[attendance]~~ area or district, ~~or~~ chooses to accept pupils from other ~~[attendance]~~ areas within its district and from outside its district.

2 Charter and Open Enrollment Schools. Amend RSA 194-B:1-a, II to read as follows:

II. Encourage school districts to allow public charter ~~[and open enrollment]~~ schools.

3 Charter and Open Enrollment Schools; Admission. Amend RSA 194-B:2, VIII to read as follows:

VIII. A pupil who meets the admission requirements of an open enrollment or charter school, and who is a resident of the district where the school is located, shall be given absolute admission preference over a nonresident pupil. Once admitted and unless expelled ~~[, open enrollment and]~~ charter school pupils need not reapply for admission for subsequent years.

4 New Paragraph; Charter and Open Enrollment Schools; Establishment and Admission. Amend RSA 194-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. No teacher, school administrator, or other school district official shall engage in any action for the purpose of recruiting or otherwise attempting to persuade an individual pupil to attend a specific school. No school district which causes a specific pupil to attend a specific school by engaging in recruitment or persuasion shall receive any per pupil funds for such pupil under RSA 194-B:11, and all funds for any such pupil shall remain with the pupil's resident school district.

5 Charter and Open Enrollment Schools. Amend the section heading to RSA 194-B:4 and the introductory paragraph to RSA 194-B:4, I to read as follows:

194-B:4 Charter Schools ~~[and Open Enrollment Schools]~~; Procedure for Adoption and Rescission; Limitations.

I. Any school district may adopt the provisions of RSA 194-B, to adopt a charter ~~[and open enrollment]~~ school program, in the following manner:

6 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend RSA 194-B:4, I(c)-(d)(1) to read as follows:

(c)(1) In adopting the provisions of RSA 194-B, a school district ~~[shall]~~ *may* impose limitations on the number of its resident pupils who may attend *a* charter ~~[or open enrollment schools]~~ *school* located inside ~~[and]~~ *or* outside the school district. These limitations shall be represented as any percentage between zero and 100 percent of the school district's current pupil enrollment.

(2) In school districts with annual meetings, where no limitation question receives a majority vote, ~~[the limitations applying to the district shall be zero]~~ *there shall be no limitations on the number of pupils who may attend a charter school*. Where 2 or more conflicting adoption and/or limitation questions receive a majority vote, that combination of adoption and limitation provisions receiving a majority vote granting greatest latitude of parental choice shall apply.

(d) The wording of the required adoption and limitation questions shall be either or both:

(1)(A) "Shall we adopt the provisions of RSA 194-B, regarding charter ~~[and open enrollment]~~ schools?"; and

(B) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend *a* charter ~~[and open enrollment schools]~~ *school* located outside the school district?"; and

(C) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend *a* charter ~~[and open enrollment schools]~~ *school* located inside the school district?" ~~[; or]~~.

7 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend the introductory paragraph to RSA 194-B:4, II (b) to read as follows:

(b) If a majority of those voting vote to rescind the provisions of RSA 194-B or to reduce the percentages of pupils eligible to attend ~~[open enrollment or]~~ *a* charter ~~[schools]~~ *school*, then as of July 1 next following the action taken:

8 Charter and Open Enrollment Schools; Procedures for Adoption and Rescission. Amend RSA 194-B:4, IV to read as follows:

IV. Upon approval by each of the district's legislative bodies and after a public hearing, 2 or more school districts may consolidate otherwise eligible resident pupils into one applicant pool for the purposes of an admissions lottery for designated charter ~~[or open enrollment]~~ schools.

-9 New Section; Open Enrollment Schools; Procedures for Limitation. Amend RSA 194-B by inserting after section 4 the following new section:

194-B:4-a Open Enrollment Schools; Limitation Provisions.

I.(a) A school district may impose limitations on the number of its resident pupils who may attend an open enrollment school located inside or outside the school district. These limitations shall be represented as any percentage between zero and 100 percent of the school district's current pupil enrollment. The question shall be presented in accordance with the procedures set forth in RSA 194-B:4, I(a)-(b).

(b) In school districts with annual meetings, where no limitation question receives a majority vote, there shall be no limitation on the number of pupils who may attend an open enrollment school located inside or outside the school district. Where 2 or more conflicting limitation questions receive a majority vote, that combination of limitation provisions receiving a majority vote granting greatest latitude of parental choice shall apply.

II. The wording of the limitation question shall be either or both:

(a) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend an open enrollment school located outside the school district?"; and/or

(b) "Shall no more than (any whole number from 0 to 100) percent of the district's current pupil enrollment be eligible for tuition to attend an open enrollment school located inside the school district?"

10 Charter and Open Enrollment Schools; Pupil Selection. Amend RSA 194-B:9, V to read as follows:

V.(a) ~~[For districts having enabled only the open enrollment provisions of this chapter,]~~ The *local* school board shall have the authority to establish ~~[rules to implement]~~ *procedures for the acceptance or denial of open enrollment pupils. Such procedures shall specify, in part, that no school district shall be required to accept a pupil from another school district if doing so would result in an unreasonable increase in the pupil-teacher ratio as determined by the local school board.*

(b) Open enrollment pupils shall be required to reapply for admission each school year.

(c) A local school board shall not deny the payment of money as set forth in RSA 194-B:11 to another school district which has accepted an open enrollment pupil.

(d) Open enrollment pupils shall continue to be counted in the average daily membership in attendance of their resident district.

(e) A parent or legal guardian aggrieved by the decision of a local school board under this section may appeal such decision to the state board of education.

11 Charter and Open Enrollment Schools. Amend the introductory paragraph to RSA 194-B:11, 1 to read as follows:

1. There shall be no tuition charge for any pupil attending ~~[an open enrollment]~~ *a public elementary or secondary school* or charter conversion school located in that pupil's resident district. Funding limitations in this chapter shall not be applicable to charter conversion or ~~[open enrollment]~~ *public elementary or secondary* schools located in a pupil's resident district. For any other charter ~~[or open enrollment]~~ school authorized by the school district *or the state board of education, or for a school district which has accepted an open enrollment pupil*, the pupil's resident district shall pay to such school an amount equal to not less than 80 percent of that district's ~~[average]~~ *total cost per pupil* as determined by the department of ~~[education]~~ *education's cost per pupil by district report* using the most recent available data as reported by the district to the department. ~~[For any charter school authorized by the state board of education, the pupil's resident district shall pay tuition beginning July 1, 2004 and every fiscal year thereafter, in an amount per pupil equal to the amount determined in RSA 198:40, 1.]~~ *If the cost per pupil by district report contains no cost information for a certain grade level, the total state average cost per pupil for that district, as contained in such report, shall be used. If this amount exceeds the average cost per pupil in the receiving district, then such excess shall be returned to the pupil's resident district. If this amount is less than the average cost per pupil in the receiving district, the school board of the receiving district may opt to accept such amount as full payment of tuition for the school year or may require the parent or legal guardian to pay the difference, or a portion thereof.* Tuition amounts shall be prorated on a per diem basis for pupils attending a school for less than a full school year. To the extent permitted by law, tuition payments shall coincide with the distribution of adequacy grants under RSA 198:42 or on such other terms as are mutually acceptable.

12 Pupils; Legal Residence Required. RSA 193:12 is repealed and reenacted to read as follows: 193:12 Legal Residence Required.

1. For purposes of this section, the legal residence of a pupil shall be as follows:

(a) In the case of a minor, legal residence is where his or her parents reside, except that:

(1) If the parents live apart and are not divorced, legal residence is the residence of the parent with whom the child resides.

(2) In a divorce decree where parents are awarded joint legal custody the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire.

(3) If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory, or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian, the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents. Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship.

(b) No minor placed in a home for children or health care facility, as defined in RSA 193:27, by another state which charges the state of New Hampshire, a political subdivision of the state of New Hampshire, or a New Hampshire school district, for the regular or special education costs for New Hampshire children placed in that state, shall be deemed a legal resident for purposes of school assignment, unless the sending state agrees to reimburse the receiving district, as defined in RSA 193:27, for regular education and special education costs.

II. For the purposes of this title, "legal resident" of a school district means a natural person who is domiciled in the school district and who, if temporarily absent, demonstrates an intent to maintain a principal dwelling place in the school district indefinitely and to return there, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his or her spouse. If a person moves to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. A person may have only one legal residence at a given time.

III. For the purposes of this section, the legal residence of a child of homeless parents is where the child temporarily resides unless the parents and another school district agree that the child's attendance in school in that school district will be in the best interests of the child in that continuity of education will be provided and transportation will not be unduly burdensome to the school district. "A child of homeless parents" means a child whose parents:

(a) Lack a fixed, regular and adequate residence; or

(b) Have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, emergency shelters, battered women's shelters, and transitional housing facilities, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

IV. Except as provided in subparagraph II(b), nothing in this section shall limit or abridge the right of any child placed and cared for in any home for children, as defined in RSA 193:27, or of any child placed in the home of a relative of that child by the department of health and human services, or placed in the home of a relative or friend by a court pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, to attend the public schools of the school district in which the home for children or home of the relative or friend in which a child is placed by the department of health and human services or by a court of competent jurisdiction is located, as provided in RSA 193:28.

V. Whenever a parent or guardian voluntarily places a child with a relative at the recommendation or request of the department of health and human services, that child shall be permitted to attend the public schools of the school district in which that relative resides provided that:

(a) Upon request of the school district, the department of health and human services shall confirm that the department recommended or requested that the child be placed with the relative to promote the child's well being, and not for the purpose of allowing the child to attend school in the district where the relative resides; and

(b) Upon request of the school district, the relative shall take reasonable steps to secure a court award of guardianship over the child, the child being allowed to attend school in that district while the relative seeks guardianship.

VI. Whenever a dispute arises between 2 or more school districts as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169D, or RSA 463, the department of health and human services may request in writing that the respective superintendents resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services may request that the commissioner of the department of education determine the residence of the child. The child may attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

VII. If more than one school district is involved in a residency dispute or the parents who live apart cannot agree on the residence of a minor child, the respective superintendents shall jointly make such decision. In those instances when an agreement cannot be reached in a timely manner, the commissioner of education shall make a determination and such determination shall be final. No school district shall deny a pupil implementation of an existing individual education plan. A pupil shall remain in attendance in the pupil's school of origin during the pendency of a determination of residency and shall be counted in the average daily membership in residence in the district of residence. In this paragraph, "school of origin" means the school the child attended when permanently housed or the school in which the child was last enrolled. Notwithstanding the provisions of RSA 21-N:11, III any person aggrieved by a determination of the commissioner may appeal such determination to a court of competent jurisdiction.

VIII. Nothing in this section shall require a district to provide transportation for a student beyond the geographical limits of that district.

IX. Each school district shall adopt an admission and attendance of students policy.

X. The commissioner of education may enter into agreements with other states relative to liability for educational costs, including special education costs, of students placed in New Hampshire by those states, or of students placed outside the state of New Hampshire.

XI. For the purpose of determining liability for a child placed and cared for in any home for children or health care facility, the provisions of RSA 193:29 shall apply.

13 Cooperative School Districts; Modification. Amend RSA 195:31 to read as follows:

195:31 Modification. In the event that the cooperative district adopts the provisions of RSA 194-B, ~~[and the cooperative district also adopts open enrollment percentage amounts pursuant to RSA 194-B:4]~~ the percentage of pupils authorized by a vote of the cooperative district shall be permitted to attend a charter school which may be established in the district and approved by the voters in accordance with RSA 194-B:3.

14 Authorized Regional Enrollment Area (AREA) Schools; Procedure. Amend RSA 195-A:3, V(p) to read as follows:

(p) Whether the districts within the area plan shall adopt the provisions of RSA 194-B, and how the adoption of such provisions ~~[and the adoption of the open enrollment percentage limitations]~~ will affect the districts within the area plan;

15 Repeal. The following are repealed:

I. RSA 194-B:2, I, providing that a school district legislative body may vote to designate a school as an open enrollment school.

II. RSA 194-B:2, III, relative to requiring that no public school shall be required to be an open enrollment school.

III. RSA 194-B:4, I(d)(2), relative to the adoption by a city or town of open enrollment provisions.

16 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Clarifies the residency requirements for school attendance.

II. Provides that all school districts shall be deemed open enrollment districts, but allows a school district to control open enrollment by authorizing the local school board to adopt procedures governing the acceptance and denial of open enrollment pupils.

III. Provides that no local school board shall deny the payment of money as set forth in RSA 194-B:11 to another school district which has accepted an open enrollment pupil.

IV. Allows municipalities to limit the percentage of the pupil population eligible to attend a school located inside or outside of the resident district.

Rep. Asselin spoke in favor.

Rep. Rous spoke against and yielded to questions.

Rep. W. P. Campbell spoke in favor and yielded to questions.

Floor amendment (0623h) failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Rous spoke against.

Rep. W. P. Campbell moved Recommit to committee.

On a division vote, 117 members having voted in the affirmative, 238 in the negative, the motion to Recommit failed.

The motion of Ought to Pass failed.

Rep. Rous moved Inexpedient to Legislate.

Motion adopted.

The House recessed at 12:55 p.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:55 p.m.

REGULAR CALENDAR

SPECIAL ORDERS (CONT'D.)

HB 345, requiring photo identification to obtain a ballot. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority Election Law: Subsequent to the filing of this bill, two important developments occurred relative to the issue of requiring photo IDs in order to vote. The first was that on May 11, 2005 the Congress passed the REAL ID Act of 2005, which established minimum requirements for information displayed on state driver's licenses and for information that must be obtained in order to issue such a license if it was going to be accepted by a federal agency. The second development was that in September the Commission on Federal Election Reform, co-chaired by President Jimmy Carter and Secretary James Baker and including as commission members Senator Tom Daschle and Representatives Lee Hamilton, Bob Michel and Susan Molinari, as well as many others who have similarly distinguished themselves in service to our nation, issued a comprehensive report on needed election reforms. In that report the commission made the following observation: "The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important." Following this observation, the Carter/Baker commission noted further that the trend nationally is to require voter IDs, starting with 11 states in 2001, 24 states now and 12 additional states considering adding the requirements to their laws. Based on these observations, the commission recommended first "that the states use REAL ID cards for voting purposes." In addition, the commission recommended that one additional requirement be added to REAL ID cards if they are to be used for voting purposes: the cards should indicate citizen. Based on testimony received by the majority of the committee believes that requiring photo IDs to vote in New Hampshire would inspire greater confidence in our electoral process and thereby promote participation in voting. In recommending passage of this bill as amended, the majority was fully aware that some individuals may not have such an ID in effect. The bill therefore allows such voters to sign an affidavit claiming that has occurred and go forward and vote. The majority recommends this important measure that will address a perennial concern of many that our voting system does not have sufficient safeguards. Vote 10-7.

Rep. Charles F. Weed for the Minority of Election Law: This bill will create more harm than good. Some citizens who have lost or forgotten their picture identification cards will be denied their constitutionally protected right to vote. This bill tries to solve a problem which does not exist. No charge of voter fraud has been proven even though there have been many careful investigations by both the Secretary of State and the Attorney General.

Majority Amendment (0235h)

Amend the bill by replacing all after the enacting clause with the following:

1 Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. *The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13 to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, a voter identification affidavit pursuant to paragraph II.* The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, *or unless failing to present the required identification*, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:

Voter Identification Affidavit

1. My name is _____. I reside at _____.
 2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit.
 3. This affidavit is dated _____.
- I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.*

Signature

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot.

Rep. Whalley spoke against.

Majority committee amendment failed.

Rep. O'Brien offered floor amendment (0443h).

Floor Amendment (0443h)

Amend the bill by replacing all after the enacting clause with the following:

- 1 Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

*I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. **The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13 to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, a voter identification affidavit pursuant to paragraph II.** The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, **or unless failing to present the required identification**, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.*

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued identification meeting the requirements of the federal Real ID Act of 2005, Public Law 109-13, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:

Voter Identification Affidavit

1. My name is _____. I reside at _____.
 2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit or I have lost possession of, or misplaced such an identification within the past 14 days.
 3. This affidavit is dated _____.
- I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.*

Signature

III. Notwithstanding the requirement for an identification, if a person desiring to vote states that he or she does not have a sufficient identification, but such person is personally known to any of the city or town clerk, moderator, supervisors of the checklist, or ballot clerks as a person qualified to vote at such location, such person shall not be refused a ballot for lack of identification if the city or town clerk, moderator, supervisor of the checklist, or ballot clerk records the name of the voter and the name of the city or town clerk, moderator, supervisor of the checklist, or ballot clerk who knows the voter in the same manner as affidavits are recorded pursuant to RSA 659:32.

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot. The bill establishes an exception to the identification requirement for persons personally known to certain election officials.

Reps. Claudia Chase and Weed spoke against and yielded to questions.

Reps. Whalley and O'Brien spoke in favor and yielded to questions.

Rep. Giuda requested a roll call; sufficiently seconded.

YEAS 205 NAYS 153

YEAS 205

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Naro, Debra
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Gargas, Carolyn
Gibson, John	Golding, William	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kelly, Eugene Jr	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr

McRae, Karen
Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan

Mead, Robert
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

Mooney, Maureen
Price, Pamela
Ryder, Donald
Stepanek, Stephen
Wheeler, James

O'Brien, William
Reeves, Sandra
Scanlon, Michael
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Kidder, David
Lockwood, Priscilla
Soltani, Tony

Currier, David
Hager, Elizabeth
Klose, John
MacKay, James
Whiting, Herbert

Danforth, James
Hess, David
L'Heureux, Stephen
Maxfield, Roy

DeStefano, Stephen
Kennedy, Richard
Langlais, Thomas
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Coburn, James
Dowd, John
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Katsakiores, George
Major, Norman
Nowe, Ronald
Parker, Benjamin
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Asselin, Michael
Bishop, Franklin
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Weare, E Albert
Winchell, George

Belanger, Ronald
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Garrity, James
Headd, James
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Quandt, Matthew
Stiles, Nancy
Welch, David

Bettencourt, David
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
McMahon, Charles
Palazzo, Frank
Rausch, James
Stone, Joseph
Wells, Roger

STRAFFORD

Albert, Russell
Chaplin, Duncan
Twombly, James

Brown, Julie
Easson, Timothy

Campbell, W Packy
Hofemann, Roland

Cataldo, Sam
Newton, Clifford

SULLIVAN

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 153

BELKNAP

Millham, Alida

Morrison, Gail

CARROLL

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Roberts, Kris

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Eaton, Daniel
Plifka, Stanley Jr
Tilton, Anna

Chase, William
Espiefs, Peter
Richardson, Barbara
Weed, Charles

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Mulholland, Catherine

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Harding, A Laurie
Sokol, Hilda

Benn, Bernard
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Buhlman, David
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Emerton, Larry	Essex, David	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Judy, Jean	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Messier, Irene	Michon, Stephen	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	Marple, Richard	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Walner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Dowling, Patricia
Flockhart, Eileen	Langley, Jane	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Robertson, Carl	Scamman, Stella
Serlin, Christopher	Splaine, James		

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Hilliard, Dana	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Prichard, Stephen			

and floor amendment (0443h) was adopted.
Rep. Kurk offered floor amendment (0717h).

Floor Amendment (0717h)

Amend the bill by replacing all after the enacting clause with the following:

I Obtaining a Ballot; Identification Required. Amend RSA 659:13 to read as follows:
659:13 Obtaining a Ballot.

I. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the checklist. The ballot clerk shall then require the person desiring to vote to furnish a state or federal government-issued photo identification to verify the person's identity or, if the person states that he or she has not been issued a valid form of such identification, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, a voter identification affidavit pursuant to paragraph II. The

voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, *or unless failing to present the required identification*, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

II. In any instance where a voter states to a ballot clerk that he or she has not been issued a valid state or federal government-issued photo identification, or has lost possession of, or misplaced such an identification within the preceding period of 14 days, then as a substitute for such identification the voter shall be permitted to submit an affidavit, certified by the ballot clerk, in the following form:

Voter Identification Affidavit

1. My name is _____. I reside at _____.
 2. I have not been issued an identification card by a state or federal government that sets forth my name, birth date, sex, identification number, digital photograph, and address and is in effect as of the date of this affidavit or I have lost possession of, or misplaced such an identification within the past 14 days.
 3. This affidavit is dated _____.
- I acknowledge that I have read and understand the above and do hereby swear, under the penalties for voting fraud, that all of the above is complete and accurate.

Signature

III. Notwithstanding the requirement for an identification, if a person desiring to vote states that he or she does not have a sufficient identification, but such person is personally known to any of the city or town clerk, moderator, supervisors of the checklist, or ballot clerks as a person qualified to vote at such location, such person shall not be refused a ballot for lack of identification if the city or town clerk, moderator, supervisor of the checklist, or ballot clerk records the name of the voter and the name of the city or town clerk, moderator, supervisor of the checklist, or ballot clerk who knows the voter in the same manner as affidavits are recorded pursuant to RSA 659:32.

2 Effective Date. This act shall take effect November 1, 2007.

AMENDED ANALYSIS

This bill requires a voter to present photographic identification or a voter identification affidavit to obtain a ballot. The bill establishes an exception to the identification requirement for persons personally known to certain election officials.
 Rep. Kurk spoke in favor and yielded to questions.
 Rep. O'Brien spoke in favor.
 Floor amendment (0717h) was adopted.

The question now being adoption of the motion of Ought to Pass as amended.
 Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 211 NAYS 149

**YEAS 211
BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Dorsett, Andrew
Ingbertson, Paul
Sorg, Gregory

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brassard, Paul
Carter, Mark
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Gonzalez, Carlos
Hansen, Ryan
Hirschmann, Keith
Kelly, Eugene Jr
Lessard, Rudy
Mooney, Maureen
Price, Pamela
Ryder, Donald
Stepanek, Stephen
Wheeler, James

Balboni, Michael
Bergin, Peter
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Kurk, Neal
Manney, Pamela
O'Brien, William
Reeves, Sandra
Scanlon, Michael
Tahir, Saghir
Wheeler, Robert

Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Graham, John
Hellwig, Steve
Infantine, William
L'Heureux, Robert
McRae, Karen
Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan

Batula, Peter
Boehm, Ralph
Carew, James
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
Lawrence, James
Mead, Robert
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Greco, Vincent
Kidder, David
Lockwood, Priscilla
Reed, Dennis

Currier, David
Hager, Elizabeth
Klose, John
MacKay, James
Soltani, Tony

Danforth, James
Hess, David
L'Heureux, Stephen
Marple, Richard
Whiting, Herbert

Field, William
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Headd, James
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
Packard, Sherman
Quandt, Matthew
Stiles, Nancy
Welch, David

Asselin, Michael
Bishop, Franklin
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
McMahon, Charles
Palazzo, Frank
Rausch, James
Stone, Joseph
Wells, Roger

Belanger, Ronald
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Katsakiores, George
Major, Norman
Nowe, Ronald
Parker, Benjamin
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Weare, E Albert
Winchell, George

STRAFFORD

Albert, Russell
Chaplin, Duncan
Newton, Clifford

Brown, Julie
Dunlap, Patricia
Twombly, James

Campbell, W Packy
Easson, Timothy

Cataldo, Sam
Hofemann, Roland

SULLIVAN

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 149 BELKNAP

Millham, Alida

Morrison, Gail

CARROLL

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butynski, William
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Espiefs, Peter
Pratt, John
Tilton, Anna

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Mulholland, Catherine

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Harding, A Laurie
Sokol, Hilda

Benn, Bernard
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Campbell, David
Cote, Peter
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Movsesian, Lori
Rosenwald, Cindy
Shaw, Kimberly
Vaillancourt, Steve

Baroody, Benjamin
Chase, Claudia
Craig, James
Foster, Linda
Gorman, Mary
Irwin, Anne-Marie
Kopka, Angeline
Matarazzo, Anthony Sr
O'Connell, Timothy
Schulze, Joan
Smith, David
Velez, Hector

Beaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Garritty, Patrick
Haley, Robert
Jean, Claudette
Lasky, Bette
Messier, Irene
Pappas, Christopher
Shattuck, Gilman
Sullivan, Francis

Buhlman, David
Cote, David
DeVries, Betsi
Ginsburg, Ruth
Hall, Betty
Jeudy, Jean
Lefebvre, Roland
Michon, Stephen
Pilotte, Maurice
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Owen, Derek
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Potter, Frances
Tilton, Joy
Williams, Robert

Brueggemann, Donald
Foose, Robert
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Clarke, Claire
French, Barbara
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Langley, Jane
Powers, James
Splaine, James

Cali-Pitts, Jacqueline
Moody, Marcia
Robertson, Carl

Casey, Kimberley
Norelli, Terie
Scamman, Stella

Flockhart, Eileen
Pantelakos, Laura
Serlin, Christopher

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Bickford, David
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Brown, Lawrence
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Gale, Harry

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

and the motion was adopted.
Ordered to third reading.

HB 347, requiring proof of identity for voter registration. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. William L. O'Brien for the Majority of Election Law: This bill relates to HB 345, which would establish a photo ID requirement for voting with an affidavit exception. The September 2005 Report of the Commission on Federal Elections (the Carter/Baker report) recommended that the citizenship information that state agencies are required under the REAL ID Act of 2005 to collect to issue driver's license should be placed on those IDs so they can be used for voting purposes. This bill will implement that recommendation. Testimony was given that the Department of Safety already collects information and issues IDs in compliance with the REAL ID Act of 2005 and is considering a license redesign in which citizenship could be displayed with no additional cost. Licenses already indicate lack of U.S. citizenship for some individuals through shorter effective dates and testimony also was received that although law enforcement officials are aware of this indication there never have been complaints of discrimination by law enforcement personnel. The majority of the committee was not persuaded by concerns expressed that discrimination by police officers would result from citizenship being shown on licenses. The bill amended will ease voter registration and voting, as well as add to the integrity of our electoral process. Vote 10-5.

Rep. Charles F. Weed for the Minority of Election Law: This bill goes well beyond the requirements of the Federal REAL ID Act. We feel that the requirement of inclusion of national citizenship on the New Hampshire driver's license could lead to discrimination against innocent individuals during times of national stress.

Majority Amendment (0236h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.

Amend the bill by replacing all after the enacting clause with the following:

I Identification Cards; Citizenship. Amend RSA 260:21, II-III to read as follows:

II. The department shall, before issuing a card to an applicant, require the applicant to furnish proof of his *or her name, sex, age, citizenship, and address of residence.*

III. The identification card shall bear the name, address, [~~social security~~] *identification number, date of birth, blood type (optional), picture, and signature of the applicant, an indication of whether or not the applicant is a United States citizen, and in the case of a card issued pursuant to RSA 260:21, I(c), said card shall bear the notation "Golden Granite State Discount Card."*

2 New Section; Issuance of Drivers' Licenses; Evidence of Citizenship. Amend RSA 263 by inserting after section 5-c the following new section:

263:5-d Evidence of Citizenship. Before the department issues any license to any person under this chapter, the department shall have on file evidence of the person's citizenship.

3 Drivers' Licenses; Form of License. Amend RSA 263:40 to read as follows:

263:40 Form of License. The commissioner shall, upon payment of the required fee, issue to every applicant a driver's license subject to such conditions as the commissioner may deem expedient and in such form as the commissioner may prescribe. The license shall bear thereon a distinguishing number assigned to the licensee, *an indication of whether or not the licensee is a United States citizen*, and an instant full-face color photograph, image, or likeness of the licensee. There shall also be provided a space wherein the licensee may enter his *or her* blood type if [~~he~~] *the licensee* so desires.

4 Commercial Driver License; Information Included. Amend RSA 263:91, I(i)-(j) to read as follows:

(i) The name of this state; [~~and~~]

(j) The expiration date; *and*

(k) *Whether or not the licensee is a United States citizen.*

5 Contingency. If HB 345 of the 2006 regular session becomes law, sections 1-4 of this act shall take effect 60 days after its passage. If HB 345 of the 2006 regular session does not become law, sections 1-4 of this act shall not take effect.

6 Effective Date.

I. Sections 1-4 of this act shall take effect as provided in section 5 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that drivers' licenses and nondrivers' identification cards indicate whether the holder is a United States citizen.

Majority committee amendment adopted.

Rep. Kurk offered floor amendment (0446h).

Floor Amendment (0446h)

Amend the bill by replacing section 2 with the following:

2 New Section; Issuance of Drivers' Licenses; Evidence of Citizenship. Amend RSA 263 by inserting after section 5-c the following new section:

263:5-d Evidence of Citizenship. Before the department issues any license to any person under this chapter, the department shall have examined evidence of the person's citizenship. The department shall keep a record of the type of evidence on which it relied but shall not keep on file a copy of such evidence or any information contained therein other than the information required under RSA 260:21, II and III.

Rep. O'Brien spoke against and yielded to questions.

Rep. Kurk spoke in favor.

On a division vote, 191 members having voted in the affirmative and 146 in the negative, Floor amendment (0446h) was adopted.

The question now being adoption of the motion of Ought to Pass as amended.

Reps. Weed and Velez spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Daniel Eaton requested a roll call; sufficiently seconded.

YEAS 200 NAYS 154

YEAS 200

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbreton, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph

Brundige, Robert
 Carter, Mark
 Coughlin, Pamela
 Drisko, Richard
 Francoeur, Bea
 Goyette, Peter Jr
 Hellwig, Steve
 Jasper, Shawn
 Lawrence, James
 Mead, Robert
 Ober, Lynne
 Renzullo, Andrew
 Slocum, Lee
 Ulery, Jordan

Buhlman, David
 Christensen, D L Chris
 Crane, Elenore Casey
 Dyer, Donald
 Gargas, Carolyn
 Hagan, Barbara
 Hinkle, Peyton
 Kelly, Eugene Jr
 Lessard, Rudy
 Mooney, Maureen
 Pepino, Leo
 Rowe, Robert
 Souza, Kathleen
 Villeneuve, Maurice

Calawa, Leon Jr
 Christiansen, Lars
 Desmarais, Vivian
 Elliott, Nancy
 Gibson, John
 Hansen, Ryan
 Hirschmann, Keith
 Kurk, Neal
 Manney, Pamela
 O'Brien, William
 Price, Pamela
 Ryder, Donald
 Stepanek, Stephen
 Wheeler, James

Carew, James
 Clark, Mark
 Dokmo, Cynthia
 Emerton, Larry
 Golding, William
 Hawkins, Ken
 Infantine, William
 L'Heureux, Robert
 McRae, Karen
 O'Connell, Timothy
 Reeves, Sandra
 Scanlon, Michael
 Tahir, Saghir
 Wheeler, Robert

MERRIMACK

Anderson, Eric
 Greco, Vincent
 Kidder, David
 MacKay, James
 Whiting, Herbert

Currier, David
 Hager, Elizabeth
 Klose, John
 Maxfield, Roy

Danforth, James
 Hess, David
 L'Heureux, Stephen
 Reed, Dennis

Field, William
 Kennedy, Richard
 Langlais, Thomas
 Soltani, Tony

ROCKINGHAM

Asselin, Michael
 Bishop, Franklin
 Camm, Kevin
 DiFruscia, Anthony
 Dumaine, Dudley
 Francoeur, Sheila
 Griffin, Mary
 Ingram, Russell
 Katsakiores, Phyllis
 Mason, April
 O'Neil, Michael
 Quandt, Matthew
 Stiles, Nancy
 Welch, David

Belanger, Ronald
 Bridle, Russell
 Carson, Sharon
 Donahue, Richard Ken
 Fesh, Bob
 Garrity, James
 Headd, James
 Itse, Daniel
 Kobel, Rudolph
 McKinney, Betsy
 Packard, Sherman
 Rausch, James
 Stone, Joseph
 Wells, Roger

Bettencourt, David
 Buxton, Donald
 Charron, Gene
 Dowd, John
 Flanders, John Sr
 Gilbert, Karl
 Hopfgarten, Paul
 Johnson, Robert
 Lund, Howie
 McMahon, Charles
 Palazzo, Frank
 Rolston, James
 Waterhouse, Kevin
 Weyler, Kenneth

Bicknell, Elbert
 Cady, Harriet
 Coburn, James
 Doyle, Christopher
 Forsing, Robert
 Gould, Kenneth
 Hughes, Daniel
 Katsakiores, George
 Major, Norman
 Nowe, Ronald
 Quandt, Marshall Lee
 Sanders, Elisabeth
 Weare, E Albert
 Winchell, George

STRAFFORD

Brown, Julie
 Dunlap, Patricia
 Twombly, James

Campbell, W Packy
 Easson, Timothy

Cataldo, Sam
 Hofemann, Roland

Chaplin, Duncan
 Newton, Clifford

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 154

BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

Dickinson, Howard

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
 Coates, Christopher
 Hogancamp, Deborah
 Pratt, John
 Tilton, Anna

Butcher, Suzanne
 Dunn, J Timothy
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

Butynski, William
 Eaton, Daniel
 Parkhurst, Henry
 Roberts, Kris

Chase, William
 Espiefs, Peter
 Plifka, Stanley Jr
 Robertson, Timothy

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguir, James

Almy, Susan

Andersen, Gene

Benn, Bernard

Cooney, Mary

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin

Beaulieu, Jane

Bergin, Peter

Brassard, Paul

Campbell, David

Chase, Claudia

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daniuk, Caitlin

DeVries, Betsi

Essex, David

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Graham, John

Haley, Robert

Hall, Betty

Harvey, Suzanne

Irwin, Anne-Marie

Jean, Claudette

Judy, Jean

Johnson, Paula

Kopka, Angeline

Lasky, Bette

Lefebvre, Roland

Martin, Mary Ellen

Matarazzo, Anthony Sr

Messier, Irene

Michon, Stephen

Movsesian, Lori

Pappas, Christopher

Pilotte, Maurice

Rosenwald, Cindy

Schulze, Joan

Shattuck, Gilman

Shaw, Barbara

Shaw, Kimberly

Smith, David

Sullivan, Francis

Sullivan, Peter

Vaillancourt, Steve

Velez, Hector

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

DeJoie, John

DeStefano, Stephen

Foose, Robert

French, Barbara

Gile, Mary

Hamm, Christine

Lockwood, Priscilla

Marple, Richard

McMahon, Patricia

Osborne, Jessie

Owen, Derek

Potter, Frances

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Allen, Mary

Cali-Pitts, Jacqueline

Casey, Kimberley

Cooney, Richard

Dowling, Patricia

Flockhart, Eileen

Langley, Jane

Moody, Marcia

Norelli, Terie

Pantelakos, Laura

Powers, James

Robertson, Carl

Scamman, Stella

Serlin, Christopher

Splaine, James

STRAFFORD

Berube, Roger

Bickford, David

Brown, Jennifer

Brown, Lawrence

Cilley, Jacalyn

Creteau, Irene

Domingo, Baldwin

Heon, Richard

Hilliard, Dana

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Miller, Joseph

Rollo, Michael

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Spang, Judith

Taylor, Kathleen

Wall, Janet

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Gale, Harry

Houde-Quimby, Charlotte

Jillette, Arthur Jr

Prichard, Stephen

and the motion was adopted.

Ordered to third reading.

HB 391, relative to voter registration forms for students. **OUGHT TO PASS WITH AMENDMENT.** Rep. William L. O'Brien for Election Law: There are some individuals who wish to register to vote in New Hampshire and appear, sometimes on election days, sometimes earlier, without sufficient evidence that they are U.S. citizens or that they are domiciled in New Hampshire or otherwise. In such circumstances, they are offered the opportunity to sign citizenship and domicile

affidavits whereby on their word alone they are established as U.S. citizens with a New Hampshire domicile sufficient for voting purposes. Under present law, however, those affidavits become secret documents, hidden from public scrutiny by those who might know or be interested in the truthfulness of claims they make and information they provide. As Justice Oliver Wendell Holmes observed, and this legislature when it enacted RSA 91-A, the New Hampshire Right to Know Law, affirmed, "Sunshine is the best disinfectant." This bill allows the light of public attention to shine on such affidavits by making citizenship and domicile affidavits subject to RSA 91-A. It allows those who are interested in confirming the integrity of voter registration by affidavits to have access to the information needed for such a review. The committee views this opening of public records as an important reform that will strengthen the New Hampshire electoral process. Vote 12-6.

Amendment (0208h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to election affidavits.

Amend the bill by replacing all after the enacting clause with the following:

1 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. *Citizenship and domicile affidavits are public records subject to RSA 91-A.* Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, *citizenship and domicile affidavits*, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

2 Affidavit. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, a voter citizenship affidavit, a voter domicile affidavit, or any other affidavit required by the election statutes may be sworn before ~~any person authorized by law to administer oaths or before~~ any election officer.

3 Preservation of Voting Materials. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, Election Day Affidavits, and Domicile Affidavits. The affidavit envelopes and application forms processed by the moderator as provided in RSA 659:50, and the citizenship affidavits and domicile affidavits as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official may be preserved in the same manner that ballots are preserved. ~~and~~ *Citizenship, voter registration, and domicile affidavits shall be retained for 3 years after the election in which they are used, and other materials* may be destroyed one year after the first state general election at which the individual may vote.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A and modifies requirements for their execution and preservation.

Amendment adopted.

Rep. O'Brien offered floor amendment (0486h).

Floor Amendment (0486h)

Amend the bill by replacing section 1 with the following:

1 Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All

other information on the voter registration form, absentee registration affidavit, *citizenship and domicile affidavits*, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. *Notwithstanding the foregoing, citizenship and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any citizenship or domicile affidavit.* Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, *citizenship and domicile affidavits*, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

AMENDED ANALYSIS

This bill makes citizenship and domicile affidavits public records subject to RSA 91-A for the purpose of voter challenges and modifies requirements for their execution and preservation.

Rep. O'Brien spoke in favor.

Floor amendment (0486h) was adopted.

The question now being adoption of the motion of Ought to Pass as amended.

Rep. Craig requested a roll call; sufficiently seconded.

YEAS 206 NAYS 138

YEAS 206

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Toll, John Jr	

GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia

Drisko, Richard
 Francoeur, Bea
 Goyette, Peter Jr
 Hawkins, Ken
 Infantine, William
 Lawrence, James
 Mead, Robert
 Ober, Lynne
 Rowe, Robert
 Souza, Kathleen
 Souleuvre, Maurice

Dyer, Donald
 Gargas, Carolyn
 Graham, John
 Hellwig, Steve
 Jasper, Shawn
 Lessard, Rudy
 Mooney, Maureen
 Price, Pamela
 Scanlon, Michael
 Stepanek, Stephen
 Wheeler, James

Elliott, Nancy
 Gibson, John
 Hagan, Barbara
 Hinkle, Peyton
 Kurk, Neal
 Manney, Pamela
 O'Brien, William
 Reeves, Sandra
 Shaw, Barbara
 Tahir, Saghir
 Wheeler, Robert

Emerton, Larry
 Golding, William
 Hansen, Ryan
 L'Heureux, Keith
 L'Heureux, Robert
 McRae, Karen
 O'Connell, Timothy
 Renzullo, Andrew
 Slocum, Lee
 Ulery, Jordan

MERRIMACK

Anderson, Eric
 Greco, Vincent
 Kidder, David
 Lockwood, Priscilla
 Reed, Dennis

Currier, David
 Hager, Elizabeth
 Klose, John
 MacKay, James
 Ryan, Jim

Danforth, James
 Hess, David
 L'Heureux, Stephen
 Marple, Richard
 Soltani, Tony

Field, William
 Kennedy, Richard
 Langlais, Thomas
 Maxfield, Roy
 Whiting, Herbert

ROCKINGHAM

Allen, Mary
 Bicknell, Elbert
 Camm, Kevin
 Cooney, Richard
 Dowling, Patricia
 Flanders, John Sr
 Gilbert, Karl
 Hopfgarten, Paul
 Johnson, Robert
 Langley, Jane
 McKinney, Betsy
 Packard, Sherman
 Rausch, James
 Stone, Joseph
 Wells, Roger

Asselin, Michael
 Bridle, Russell
 Carson, Sharon
 DiFruscia, Anthony
 Doyle, Christopher
 Forsing, Robert
 Gould, Kenneth
 Hughes, Daniel
 Katsakiores, George
 Lund, Howie
 McMahon, Charles
 Palazzo, Frank
 Rolston, James
 Waterhouse, Kevin
 Weyler, Kenneth

Belanger, Ronald
 Buxton, Donald
 Charron, Gene
 Donahue, Richard Ken
 Dumaine, Dudley
 Francoeur, Sheila
 Griffin, Mary
 Ingram, Russell
 Katsakiores, Phyllis
 Major, Norman
 Nowe, Ronald
 Quandt, Marshall Lee
 Sanders, Elisabeth
 Weare, E Albert
 Winchell, George

Bettencourt, David
 Cady, Harriet
 Coburn, James
 Dowd, John
 Fesh, Bob
 Garrity, James
 Headd, James
 Itse, Daniel
 Kobel, Rudolph
 Mason, April
 O'Neil, Michael
 Quandt, Matthew
 Stiles, Nancy
 Welch, David

STRAFFORD

Bickford, David
 Chaplin, Duncan
 Twombly, James

Brown, Julie
 Dunlap, Patricia

Campbell, W Packy
 Easson, Timothy

Cataldo, Sam
 Newton, Clifford

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 138

BELKNAP

Millham, Alida

Morrison, Gail

CARROLL

Buco, Thomas

Knox, J David

CHESHIRE

Allen, Peter
 Coates, Christopher
 Hogancamp, Deborah
 Pratt, John
 Tilton, Anna

Butcher, Suzanne
 Dunn, J Timothy
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

Butynski, William
 Eaton, Daniel
 Parkhurst, Henry
 Roberts, Kris

Chase, William
 Espiefs, Peter
 Plifka, Stanley Jr
 Robertson, Timothy

COOS

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James

Almy, Susan

Andersen, Gene

Benn, Bernard

Cooney, Mary

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

Ward, John

HILLSBOROUGH

Baroody, Benjamin

Beaulieu, Jane

Brassard, Paul

Campbell, David

Chase, Claudia

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daniuk, Caitlin

DeVries, Betsi

Essex, David

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Hall, Betty

Harvey, Suzanne

Irwin, Anne-Marie

Jean, Claudette

Johnson, Paula

Kelly, Eugene Jr

Kopka, Angeline

Lasky, Bette

Lefebvre, Roland

Martin, Mary Ellen

Matarazzo, Anthony Sr

Messier, Irene

Michon, Stephen

Movsesian, Lori

Pappas, Christopher

Pilotte, Maurice

Rosenwald, Cindy

Ryder, Donald

Schulze, Joan

Shattuck, Gilman

Shaw, Kimberly

Smith, David

Sullivan, Francis

Sullivan, Peter

Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Clarke, Claire

DeJoie, John

DeStefano, Stephen

Foose, Robert

French, Barbara

Gile, Mary

Hamm, Christine

McMahon, Patricia

Osborne, Jessie

Owen, Derek

Potter, Frances

Rush, Deanna

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Cali-Pitts, Jacqueline

Casey, Kimberly

Flockhart, Eileen

Moody, Marcia

Norelli, Terie

Pantelakos, Laura

Powers, James

Robertson, Carl

Scamman, Stella

Serlin, Christopher

Splaine, James

STRAFFORD

Berube, Roger

Brown, Jennifer

Brown, Lawrence

Cilley, Jacalyn

Creteau, Irene

Domingo, Baldwin

Hilliard, Dana

Hofemann, Roland

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Miller, Joseph

Rollo, Michael

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Spang, Judith

Taylor, Kathleen

Wall, Janet

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Gale, Harry

Houde-Quimby, Charlotte

Jillette, Arthur Jr

Prichard, Stephen

and the motion was adopted.

Ordered to third reading.

Rep. Shaw voted Yea and intended to vote Nay.

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for the Majority of Election Law: This bill would have required lobbyists to report all gifts and campaign contributions to the Secretary of State. In addition, it would have required a candidate to disclose donations from registered lobbyists. Both of these issues are covered in SB 206. Vote 9-5.

Rep. James R. Splaine for the Minority of Election Law: We as a legislature should stand behind the highest standards of honesty and disclosure for lobbyists. Our amendment accomplishes that goal.

Reps. Peter Sullivan and Splaine spoke against.

Rep. Drisko spoke in favor.

Rep. Clemons requested a roll call; sufficiently seconded.

YEAS 168 NAYS 169**YEAS 168****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Maybeck, Margie	Mirski, Paul	Ward, John	Williams, Burton

HILLSBOROUGH

Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Clark, Mark
Coughlin, Pamela	Desmarais, Vivian	Drisko, Richard	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Golding, William	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn	Kelly, Eugene Jr
Kurk, Neal	Lawrence, James	Lefebvre, Roland	Lessard, Rudy
Manney, Pamela	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Reeves, Sandra	Rowe, Robert
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice	Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Currier, David	Danforth, James	Hager, Elizabeth
Kennedy, Richard	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Reed, Dennis	Whiting, Herbert	

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Camm, Kevin	Carson, Sharon
Coburn, James	Cooney, Richard	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Gould, Kenneth	Griffin, Mary
Headd, James	Ingram, Russell	Katsakiores, George	Katsakiores, Phyllis
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Rausch, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy

Stone, Joseph
Wells, Roger

Waterhouse, Kevin
Winchell, George

Weare, E Albert

Welch, David

STRAFFORD

Berube, Roger
Easson, Timothy

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Dunlap, Patricia

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 169

BELKNAP

Fitzgerald, James

CARROLL

Ahlgren, Christopher

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butynski, William
Eaton, Daniel
Piifka, Stanley Jr
Robertson, Timothy

Chase, William
Espiefs, Peter
Pratt, John
Tilton, Anna

COOS

Mears, Edgar

Merrick, Scott

Morneau, Renney

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
McLeod, Martha
Sokol, Hilda

Almy, Susan
Dorsett, Andrew
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Hammond, Lee
Naro, Debra

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Chase, Claudia
Cote, David
DeVries, Betsi
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Pilotte, Maurice
Schulze, Joan
Smith, David
Wheeler, James

Baroody, Benjamin
Christensen, D L Chris
Cote, Peter
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Infantine, William
Kopka, Angeline
Matarazzo, Anthony Sr
Renzullo, Andrew
Shattuck, Gilman
Sullivan, Francis

Beaulieu, Jane
Christiansen, Lars
Craig, James
Dyer, Donald
Gibson, John
Hagan, Barbara
Irwin, Anne-Marie
L'Heureux, Robert
Michon, Stephen
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Brassard, Paul
Clemons, Jane
Daniuk, Caitlin
Elliott, Nancy
Ginsburg, Ruth
Hall, Betty
Jean, Claudette
Lasky, Bette
Movsesian, Lori
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeJoie, John
Gile, Mary
Osborne, Jessie
Ryan, Jim
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Owen, Derek
Shurtleff, Stephen
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Potter, Frances
Soltani, Tony
Walz, Mary Beth

Clarke, Claire
French, Barbara
McMahon, Patricia
Rush, Deanna
Tilton, Joy
Williams, Robert

ROCKINGHAM

Allen, Mary	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Garrity, James	Gilbert, Karl	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Johnson, Robert	Langley, Jane
Lund, Howie	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Rolston, James	Serlin, Christopher	Splaine, James	

STRAFFORD

Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	

and the majority committee report failed.

Rep. Splaine moved Ought to Pass and offered minority committee amendment (0199h).

Minority Amendment (0199h)

Amend the bill by replacing all after the enacting clause with the following:

1 Reporting by Political Committees. Amend RSA 664:6, I to read as follows:

I. Any political committee whose receipts or expenditures in support of a candidate, measure, or political party exceed \$500 except, for the purposes of this paragraph only, the political committee of a political party or the political committee of a candidate, shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and home post office address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing which exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure with the full name and city or town of persons, corporations, committees, or to whomever paid or to be paid, the date paid, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration. *The statements shall include a separate itemized list of donations from lobbyists registered under RSA 15:1*

2 Reporting by Candidates. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries. *Such statements shall also include an itemized list of donations from lobbyists registered under RSA 15:1.*

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill requires candidates and political committees to itemize donations from registered lobbyists.
Rep. Splaine spoke in favor.
Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 183 NAYS 158

YEAS 183

BELKNAP

Pilliod, James Rosen, Ralph

CARROLL

Ahlgren, Christopher Buco, Thomas Dickinson, Howard Olimpio, J Lisbeth

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Mears, Edgar Merrick, Scott Morneau, Renney Remick, William
Theberge, Robert

GRAFTON

Aguir, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Dorsett, Andrew	Eaton, Stephanie	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Calawa, Leon Jr	Campbell, David	Chase, Claudia
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Elliott, Nancy	Essex, David
Foster, Linda	Gibson, John	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Irwin, Anne-Marie	Jean, Claudette	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movesian, Lori	Ober, Lynne
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Wheeler, James

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth	Hopfgarten, Paul

Itse, Daniel
Lund, Howie
Pantelakos, Laura
Robertson, Carl

Johnson, Robert
Mason, April
Powers, James
Rolston, James

Katsakiores, Phyllis
Moody, Marcia
Quandt, Marshall Lee
Serlin, Christopher

Langley, Jane
Norelli, Terie
Quandt, Matthew
Splaine, James

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Bickford, David
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Newton, Clifford
Smith, Marjorie

Brown, Lawrence
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Prichard, Stephen

Franklin, Peter

NAYS 158

BELKNAP

Allen, Janet
Flanders, Donald
Russell, David
Veazey, John

Boyce, Laurie
Heald, Bruce
Thomas, John
Wendelboe, Fran

Clark, Charles
Millham, Alida
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Nedeau, Stephen
Tobin, William

CARROLL

Babson, David Jr
Martin, James
Phillbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

Knox, J David
Patten, Betsey

CHESHIRE

Emerson, Susan

Foote, Sheila

Pelkey, Stephen

Sawyer, Sheldon

COOS

King, Frederick
Tholl, John Jr

Lary, Bruce

Richardson, Herbert

Stohl, Eric

GRAFTON

Gionet, Edmond
Mirski, Paul

Giuda, Robert
Ward, John

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Buhlman, David
Coughlin, Pamela
Francoeur, Bea
Hansen, Ryan
Hirschmann, Keith
Kurk, Neal
Manney, Pamela
O'Brien, William
Reeves, Sandra
Scanlon, Michael
Ulery, Jordan

Balboni, Michael
Biundo, Michael
Carew, James
Crane, Elenore Casey
Gargas, Carolyn
Hawkins, Ken
Infantine, William
L'Heureux, Robert
McRae, Karen
O'Connell, Timothy
Renzullo, Andrew
Slocum, Lee
Villeneuve, Maurice

Barry, J Gail
Boehm, Ralph
Christensen, D L Chris
Drisko, Richard
Golding, William
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Mead, Robert
Pepino, Leo
Rowe, Robert
Souza, Kathleen
Wheeler, Robert

Batula, Peter
Brundige, Robert
Clark, Mark
Einerton, Larry
Graham, John
Hinkle, Peyton
Kelly, Eugene Jr
Lessard, Rudy
Mooney, Maureen
Price, Pamela
Ryder, Donald
Stepanek, Stephen

MERRIMACK

Anderson, Eric
Field, William
Langlais, Thomas
Reed, Dennis

Blanchard, Elizabeth
Kidder, David
Lockwood, Priscilla
Whiting, Herbert

Currier, David
Klose, John
MacKay, James

Danforth, James
L'Heureux, Stephen
Maxfield, Roy

ROCKINGHAM

Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Griffin, Mary
Headd, James	Hughes, Daniel	Ingram, Russell	Katsakiores, George
Major, Norman	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Rausch, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Winchell, George			

STRAFFORD

Brown, Julie	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Twombly, James		

SULLIVAN

Ferland, Brenda	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			

and minority committee amendment (0199h) was adopted.

The question now being adoption of the motion of Ought to Pass as amended.
Rep. Clemons requested a roll call; sufficiently seconded.

YEAS 198 NAYS 144**YEAS 198****BELKNAP**

Fitzgerald, James	Morrison, Gail	Pilliod, James	Tobin, William
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CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Olimpio, J Lisbeth			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS

Mears, Edgar	Merrick, Scott	Morneau, Renney	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Dorsett, Andrew	Giuda, Robert	Ham, Bonnie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Campbell, David
Chase, Claudia	Christensen, D L Chris	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Dyer, Donald
Elliott, Nancy	Essex, David	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie

Jasper, Shawn
Lasky, Bette
Michon, Stephen
Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Vaillancourt, Steve

Jean, Claudette
Martin, Mary Ellen
Movsesian, Lori
Rosenwald, Cindy
Shaw, Kimberly
Sullivan, Francis
Wheeler, James

Johnson, Paula
Matarazzo, Anthony Sr
Ober, Lynne
Schulze, Joan
Smith, David
Sullivan, Peter

Kopka, Angeline
Messier, Irene
Pilotte, Maurice
Shattuck, Gilman
Souza, Kathleen
Tahir, Saghir

MERRIMACK

Bouchard, Candace
DeJoie, John
Gile, Mary
Kennedy, Richard
Owen, Derek
Shurtleff, Stephen
Wallner, Mary Jane

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
MacKay, James
Potter, Frances
Soltani, Tony
Walz, Mary Beth

Clarke, Claire
Foose, Robert
Hager, Elizabeth
McMahon, Patricia
Rush, Deanna
Tilton, Joy
Williams, Robert

Danforth, James
French, Barbara
Hamm, Christine
Osborne, Jessie
Ryan, Jim
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Casey, Kimberley
Dowling, Patricia
Gould, Kenneth
Katsakiores, Phyllis
Moody, Marcia
Quandt, Marshall Lee
Serlin, Christopher

Allen, Mary
Cady, Harriet
Cooney, Richard
Flockhart, Eileen
Hopfgarten, Paul
Langley, Jane
Norelli, Terie
Quandt, Matthew
Splaine, James

Asselin, Michael
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Garity, James
Hughes, Daniel
Lund, Howie
Pantelakos, Laura
Robertson, Carl
Wells, Roger

Bicknell, Elbert
Carson, Sharon
Donahue, Richard Ken
Gilbert, Karl
Itse, Daniel
Mason, April
Powers, James
Rolston, James

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Bickford, David
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Newton, Clifford
Smith, Marjorie

Brown, Lawrence
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Prichard, Stephen

Franklin, Peter

NAYS 144

BELKNAP

Allen, Janet
Heald, Bruce
Russell, David
Wendelboe, Fran

Boyce, Laurie
Millham, Alida
Thomas, John
Whalley, Michael

Clark, Charles
Nedeau, Stephen
Tilton, Franklin

Flanders, Donald
Rosen, Ralph
Veazey, John

CARROLL

Babson, David Jr
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

Knox, J David
Patten, Betsey

Martin, James
Philbrick, Donald

CHESHIRE

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hunt, John

Pelkey, Stephen

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Ward, John

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Carew, James
Drisko, Richard
Golding, William
Hellwig, Steve
Kelly, Eugene Jr
Lessard, Rudy
Mooney, Maureen
Price, Pamela
Scanlon, Michael
Wheeler, Robert

Balboni, Michael
Biundo, Michael
Clark, Mark
Emerton, Larry
Graham, John
Hinkle, Peyton
Kurk, Neal
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee

Barry, J Gail
Buhlman, David
Coughlin, Pamela
Francoeur, Bea
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
McRae, Karen
O'Connell, Timothy
Rowe, Robert
Ulery, Jordan

Batula, Peter
Calawa, Leon Jr
Crane, Elenore Casey
Gargas, Carolyn
Hawkins, Ken
Infantine, William
Lawrence, James
Mead, Robert
Pepino, Leo
Ryder, Donald
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Kidder, David
Lockwood, Priscilla
Whiting, Herbert

Blanchard, Elizabeth
Klose, John
Marple, Richard

Currier, David
L'Heureux, Stephen
Maxfield, Roy

Field, William
Langlais, Thomas
Reed, Dennis

ROCKINGHAM

Belanger, Ronald
Charron, Gene
Dumaine, Dudley
Francoeur, Sheila
Johnson, Robert
McMahon, Charles
Palazzo, Frank
Stiles, Nancy
Welch, David

Bettencourt, David
Coburn, James
Fesh, Bob
Griffin, Mary
Katsakiores, George
Nowe, Ronald
Rausch, James
Stone, Joseph
Winchell, George

Bridle, Russell
Dowd, John
Flanders, John Sr
Headd, James
Major, Norman
O'Neil, Michael
Sanders, Elisabeth
Waterhouse, Kevin

Camm, Kevin
Doyle, Christopher
Forsing, Robert
Ingram, Russell
McKinney, Betsy
Packard, Sherman
Scamman, Stella
Weare, E Albert

STRAFFORD

Brown, Julie
Easson, Timothy

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Dunlap, Patricia

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

and the minority committee report was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it ordered to third reading, **HB 345**, requiring photo identification to obtain a ballot. Reconsideration failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it ordered to third reading, **HB 347**, requiring proof of identity for voter registration. On a division vote, 137 members having voted in the affirmative and 206 in the negative, reconsideration failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it ordered to third reading, **HB 391**, relative to voter registration forms for students. Rep. Rollo requested a roll call; sufficiently seconded.

YEAS 138 NAYS 205**YEAS 138
BELKNAP**

Morrison, Gail

CARROLL

Bucio, Thomas

Knox, J David

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

Butynski, William
Espieles, Peter
Plifka, Stanley Jr
Robertson, Timothy

Coates, Christopher
Hogancamp, Deborah
Pratt, John
Tilton, Anna

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Mulholland, Catherine
Ward, John

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Harding, A Laurie
Sokol, Hilda

Benn, Bernard
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Craig, James
Foster, Linda
Hall, Betty
Johnson, Paula
Martin, Mary Ellen
Movesian, Lori
Schulze, Joan
Smith, David

Beaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Ginsburg, Ruth
Harvey, Suzanne
Kelly, Eugene Jr
Matarazzo, Anthony Sr
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Francis

Brassard, Paul
Cote, David
DeVries, Betsi
Goley, Jeffrey
Irwin, Anne-Marie
Kopka, Angeline
Messier, Irene
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Campbell, David
Cote, Peter
Essex, David
Gorman, Mary
Jean, Claudette
Lasky, Bette
Michon, Stephen
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Owen, Derek
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
Foose, Robert
Marple, Richard
Potter, Frances
Tilton, Joy
Williams, Robert

Clarke, Claire
French, Barbara
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Serlin, Christopher

Cali-Pitts, Jacqueline
Moody, Marcia
Splaine, James

Casey, Kimberley
Norelli, Terie

Dowling, Patricia
Powers, James

STRAFFORD

Berube, Roger
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Lawrence
Heon, Richard
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Prichard, Stephen

NAYS 205**BELKNAP**

Allen, Janet
Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

Boyce, Laurie
Heald, Bruce
Rosen, Ralph
Tobin, William

Clark, Charles
Millham, Alida
Russell, David
Veazey, John

Fitzgerald, James
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Martin, James
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Chandler, Gene
Morrow, Harry
Stevens, Stanley

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hunt, John

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Dorsett, Andrew
Ham, Bonnie
Naro, Debra

Eaton, Stephanie
Ingbreton, Paul
Williams, Burton

Gionet, Edmond
Maybeck, Margie

Giuda, Robert
Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carew, James
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Infantine, William
Lawrence, James
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Souza, Kathleen
Villeneuve, Maurice

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Graham, John
Hellwig, Steve
Jasper, Shawn
Lessard, Rudy
Mooney, Maureen
Pepino, Leo
Rowe, Robert
Stepanek, Stephen
Wheeler, James

Balboni, Michael
Bergin, Peter
Buhlman, David
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Hagan, Barbara
Hinkle, Peyton
Kurk, Neal
Manney, Pamela
O'Brien, William
Price, Pamela
Scanlon, Michael
Tahir, Saghir
Wheeler, Robert

Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Slocum, Lee
Ulery, Jordan

MERRIMACK

Anderson, Eric
Greco, Vincent
Kidder, David
Lockwood, Priscilla
Soltani, Tony

Currier, David
Hager, Elizabeth
Klose, John
MacKay, James
Whiting, Herbert

Danforth, James
Hess, David
L'Heureux, Stephen
Maxfield, Roy

Field, William
Kennedy, Richard
Langlais, Thomas
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Coburn, James
Dowd, John

Asselin, Michael
Bishop, Franklin
Camm, Kevin
Cooney, Richard
Doyle, Christopher

Belanger, Ronald
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Dumaine, Dudley

Bettencourt, David
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Fesh, Bob

Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
McMahon, Charles
Palazzo, Frank
Robertson, Carl
Scamman, W Douglas
Weare, E Albert

Forsing, Robert
Gould, Kenneth
Hughes, Daniel
Katsakiores, George
Major, Norman
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David

Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Mason, April
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

Garrity, James
Headd, James
Itse, Daniel
Langley, Jane
McKinney, Betsy
Packard, Sherman
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Winchell, George

STRAFFORD

Bickford, David
Dunlap, Patricia

Brown, Julie
Easson, Timothy

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Tombly, James

SULLIVAN

Gale, Harry
and the motion failed.

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Craig moved that the House reconsider its action whereby it ordered to third reading, **HB 621-FN**, requiring disclosure of gifts and campaign contributions by lobbyists.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 168 NAYS 173

YEAS 168

BELKNAP

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Heald, Bruce
Russell, David
Veazey, John

Clark, Charles
Millham, Alida
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

CARROLL

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Merrow, Harry

Knox, J David
Patten, Betsey

Martin, James
Philbrick, Donald

CHESHIRE

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hunt, John

Pelkey, Stephen

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Ward, John

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Christiansen, Lars
Drisko, Richard
Golding, William

Allan, Nelson
Bergeron, Jean-Guy
Calawa, Leon Jr
Clark, Mark
Emerton, Larry
Graham, John

Balboni, Michael
Biundo, Michael
Carew, James
Coughlin, Pamela
Francoeur, Bea
Hansen, Ryan

Barry, J Gail
Boehm, Ralph
Christensen, D L Chris
Crane, Elenore Casey
Gargasz, Carolyn
Hawkins, Ken

Hellwig, Steve
Jasper, Shawn
Lessard, Rudy
Mooney, Maureen
Pepino, Leo
Rowe, Robert
Stepanek, Stephen

Hinkle, Peyton
Kelly, Eugene Jr
Manney, Pamela
O'Brien, William
Price, Pamela
Ryder, Donald
Ulery, Jordan

Hirschmann, Keith
Kurk, Neal
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Villeneuve, Maurice

Infantine, William
Lawrence, James
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Klose, John
MacKay, James
Whiting, Herbert

Blanchard, Elizabeth
Hess, David
L'Heureux, Stephen
Marple, Richard

Currier, David
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy

Danforth, James
Kidder, David
Lockwood, Priscilla
Reed, Dennis

ROCKINGHAM

Belanger, Ronald
Buxton, Donald
Charron, Gene
Dowling, Patricia
Flanders, John Sr
Griffin, Mary
Katsakiores, Phyllis
McMahon, Charles
Palazzo, Frank
Scamman, W Douglas
Weare, E Albert

Bettencourt, David
Cady, Harriet
Coburn, James
Doyle, Christopher
Forsing, Robert
Headd, James
Major, Norman
Nowe, Ronald
Rausch, James
Stiles, Nancy
Welch, David

Bishop, Franklin
Camm, Kevin
Donahue, Richard Ken
Dumaine, Dudley
Francoeur, Sheila
Ingram, Russell
Mason, April
O'Neil, Michael
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

Bridle, Russell
Carson, Sharon
Dowd, John
Fesh, Bob
Garrity, James
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Scamman, Stella
Waterhouse, Kevin
Winchell, George

STRAFFORD

Berube, Roger
Dunlap, Patricia

Brown, Julie
Easson, Timothy

Cataldo, Sam
Twombly, James

Chaplin, Duncan

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 173

BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Ahlgren, Christopher

Buco, Thomas

Dickinson, Howard

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dexter, Judson
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

Coates, Christopher
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Mears, Edgar

Merrick, Scott

Morneau, Renney

Theberge, Robert

GRAFTON

Aguiar, James
Cooney, Mary
Hammond, Lee
Naro, Debra

Almy, Susan
Dorsett, Andrew
Harding, A Laurie
Nordgren, Sharon

Andersen, Gene
Giuda, Robert
McLeod, Martha
Sokol, Hilda

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Buhlman, David	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Dyer, Donald
Elliott, Nancy	Essex, David	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen
Movesian, Lori	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Wheeler, James		

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Häger, Elizabeth	Hamm, Christine	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Bicknell, Elbert
Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony
Flockhart, Eileen	Gilbert, Karl	Gould, Kenneth	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Johnson, Robert	Langley, Jane
Lund, Howie	Moody, Marcia	Norelli, Terie	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Rolston, James
Serlin, Christopher	Splaine, James		

STRAFFORD

Bickford, David	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Newton, Clifford	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen	
and the motion failed.			

(Speaker Scamman in the Chair)**REGULAR CALENDAR****SPECIAL ORDERS (CONT'D.)**

HB 639-FN, relative to voter registration. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority of Election Law: During testimony many witnesses raised concerns over the integrity of election day registrations in which the registrants use one or both of the citizenship and domicile affidavits that are available when no other evidence of citizenship or domicile is brought to the attention of the election official handling the registration. We allow individuals who first appear on Election Day to vote based on their word alone that they are United States citizens and residents of New Hampshire. The committee's concerns over the integrity

of this process have grown as we have become aware that investigation and prosecution of all election law is handled by a single assistant attorney general who handles those election law duties on very much a part-time basis as he has other, and often more pressing, duties to perform. These concerns have not been abated when we have heard that few problems have appeared, because we know that these affidavits are withheld from the public, including candidates and those promoting or opposing ballot measures, so they cannot be challenged for accuracy and because – and this we have considered quite important – there is no incentive to find and challenge the false affidavit because there will be no way to identify and remove the improperly cast ballot from a count. Considering these concerns and limitations, the majority of the committee has fashioned what it submits is the least intrusive, most straight-forward method to allow these wrongful votes to be retrieved and discarded when they have influenced the results of an election. Using the existing election recount procedure, and not in any way extending the deadlines or changing the approach for such recounts, HB 639 would allow these affidavits to be challenged in a recount and, if the challenge is successful, the wrongful vote to be removed from the count. The procedure for how the challenge would proceed will be established by the Secretary of State, as would the mechanism for marking ballots given only to Election Day registrants using citizenship as domicile affidavits so those ballots can be associated with the affidavits. The only requirement for marking such ballots is that it be done in a manner that will promote voter privacy. Methods were discussed that would reach that result, but the final determination was to allow the Secretary of State to choose and implement the best method. The only ballots that need to be associated with particular affidavits and therefore particular voters will be those ballots that resulted from materially false affidavits. Vote 9-5.

Rep. Charles F. Weed for the Minority of Election Law: Voters have a right to expect that they are casting a secret ballot. When they hear that challenged ballots will be marked and tracked it will lead to less trust and confidence in the election process, and will discourage transitional, homeless, and minority voters. More harm than good is caused by this bill which is strongly opposed by the people who conduct state, local, and federal elections, the city and town clerks association.

Majority Amendment (0209h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to voters presenting citizenship or domicile affidavits to register on election day.

Amend the bill by replacing all after the enacting clause with the following:

1 General Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12 to read as follows:

654:12 Determining Qualifications of Applicant.

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a citizenship affidavit, or any other reasonable documentation which indicates the applicant is a United States citizen. The citizenship affidavit shall be in the following form:

Date: _____

CITIZENSHIP AFFIDAVIT

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am a United States citizen and that to the best of my knowledge and belief the information above is true and correct. *I hereby acknowledge that, if I present this affidavit on election day, my ballot will be marked and subject to challenge during a recount, which may occur several weeks after election day. I also am aware that my ballot will not be associated with my affidavit unless the affidavit is determined to be invalid.*

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the
Peace/Official Authorized by RSA 659:30

(b) AGE. Any reasonable documentation indicating the applicant is 18 years of age or older.

(c) DOMICILE. Any reasonable documentation which indicates that the applicant has a domicile and intends to maintain a domicile, as defined in this chapter, in the town, city, or ward in which he or she desires to vote, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, an affidavit in the following form:

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street Ward Number

Town or City Zip Code

Date when current domicile was established: Month: _____ Year: _____

Place and date of birth: _____

Address of last previous domicile: _____

Street Ward Number

Town or City Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that my established domicile is at the current domicile address I have entered above and that to the best of my knowledge and belief the information above is true and correct. ***I hereby acknowledge that, if I present this affidavit on election day, my ballot will be marked and subject to challenge during a recount, which may occur several weeks after election day. I am also aware that my ballot will not be associated with my affidavit unless the affidavit is determined to be invalid.***

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the
Peace/Official Authorized by RSA 659:30

II. The supervisors may refuse to add the name of an applicant to the checklist if he or she fails to present the evidence or an affidavit as required by this section. Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

(a) Any one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

(1) New Hampshire driver's license.

(2) New Hampshire vehicle registration.

(3) Armed services identification, or other photo identification issued by the United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a citizenship, domicile, or election day affidavit:

(1) Photo driver's license issued by any state or the federal government.

(2) United States passport, armed services identification, or other photo identification issued by the United States government.

(3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

III. All information provided in a citizenship affidavit or a domicile affidavit presented under this section which establishes the affidavit's qualifications as a voter must be accurate for the resulting vote to be valid.

IV. Any person presenting a citizenship or domicile affidavit in order to register on election day shall be provided with an affidavit form marked in a manner established by the secretary of state so as to promote voter privacy but allow a ballot to be matched to an invalid affidavit. The secretary of state shall further establish the procedure for the submission of the affidavits and tracking of ballots supported by affidavits.

2 New Section; General Provisions for Recounts; Affidavit Challenges. Amend RSA 660 by inserting after section 16 the following new section:

660:16-a Affidavit Challenges. Any person may challenge a ballot being recounted by stating reasons satisfactory to the secretary of state why the voter's citizenship or domicile affidavit is inaccurate. The secretary of state shall notify the voter whose ballot is challenged, and the voter or any candidate on the ballot shall be permitted to present evidence to refute the challenge. The process to be followed for this procedure shall be as established by the secretary of state and set forth in the manual on the New Hampshire election laws and procedures for conducting elections.

3 Board of Recount; Affidavit Challenges. Amend RSA 669:32 to read as follows:

669:32 Board of Recount.

I. At the time and place so appointed and notified, the clerk shall publicly break the seal of and open the package in which the ballots of said election are kept; and, thereupon, said ballots shall be recounted by the clerk, the moderator, and the selectmen of said town who shall constitute the board of recount. Any member of the board of recount who is one of the candidates for the office being recounted shall disqualify himself *or herself* from the board of recount for all official duties of said board. The moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the recount official whom he *or she* has replaced.

II. Any person may challenge a ballot being recounted by stating reasons satisfactory to the board of recount why the voter's citizenship or domicile affidavit is inaccurate. The board of recount shall notify the voter whose ballot is challenged, and the voter or any candidate on the ballot shall be permitted to present evidence to refute the challenge. The process to be followed for this procedure shall be as established by the secretary of state and set forth in the manual on the New Hampshire election laws and procedures for conducting elections.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a procedure for marking the ballots of voters who register on election day using citizenship or domicile affidavits. This bill also establishes a procedure for challenging the ballot of a person who presented an inaccurate citizenship or domicile affidavit. Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Reps. Weed, Marjorie Smith and Vaillancourt spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Whalley spoke in favor.

Rep. Clemons requested a roll call; sufficiently seconded.

YEAS 154 NAYS 184**YEAS 154****BELKNAP**

Allen, Janet
Flanders, Donald
Russell, David
Wendelboe, Fran

Boyce, Laurie
Heald, Bruce
Thomas, John
Whalley, Michael

Clark, Charles
Nedeau, Stephen
Tilton, Franklin

Fitzgerald, James
Rosen, Ralph
Tobin, William

CARROLL

Babson, David Jr
McConkey, Mark

Brown, Carolyn
Stevens, Stanley

Chandler, Gene

Martin, James

CHESHIRE

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hunt, John

Pelkey, Stephen

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Tholl, John Jr

Morneau, Renney

Remick, William

GRAFTON

Eaton, Stephanie
Ingbreton, Paul
Williams, Burton

Gionet, Edmond
Maybeck, Margie

Giuda, Robert
Mirski, Paul

Ham, Bonnie
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Christiansen, Lars
Desmarais, Vivian
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
Lessard, Rudy
Moran, Edward
Pepino, Leo
Rowe, Robert
Tahir, Saghir

Allan, Nelson
Bergeron, Jean-Guy
Buhlman, David
Clark, Mark
Drisko, Richard
Gargas, Carolyn
Hagan, Barbara
Hinkle, Peyton
Kelly, Eugene Jr
Manney, Pamela
O'Brien, William
Price, Pamela
Slocum, Lee
Ulery, Jordan

Balboni, Michael
Biundo, Michael
Calawa, Leon Jr
Coughlin, Pamela
Dyer, Donald
Gibson, John
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
Mead, Robert
O'Connell, Timothy
Reeves, Sandra
Souza, Kathleen
Villeneuve, Maurice

Barry, J Gail
Boehm, Ralph
Carew, James
Crane, Elenore Casey
Elliott, Nancy
Golding, William
Hawkins, Ken
Infantine, William
Lawrence, James
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Stepanek, Stephen
Wheeler, James

MERRIMACK

Anderson, Eric
Klose, John
Maxfield, Roy

Field, William
L'Heureux, Stephen
Reed, Dennis

Kennedy, Richard
Langlais, Thomas
Soltani, Tony

Kidder, David
MacKay, James
Whiting, Herbert

ROCKINGHAM

Bettencourt, David
Camm, Kevin
Dowd, John
Flanders, John Sr
Hopfgarten, Paul
Katsakiores, George
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Welch, David

Bicknell, Elbert
Charron, Gene
Doyle, Christopher
Gilbert, Karl
Hughes, Daniel
Katsakiores, Phyllis
O'Neil, Michael
Quandt, Matthew
Stiles, Nancy
Weyler, Kenneth

Bridle, Russell
Coburn, James
Dumaine, Dudley
Griffin, Mary
Ingram, Russell
Lund, Howie
Packard, Sherman
Rausch, James
Stone, Joseph

Buxton, Donald
Donahue, Richard Ken
Fesh, Bob
Headd, James
Johnson, Robert
McMahon, Charles
Palazzo, Frank
Rolston, James
Waterhouse, Kevin

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Newton, Clifford	Twombly, James		

SULLIVAN

Irish, Christopher	Osgood, Philip Sr
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NAYS 184**BELKNAP**

Millham, Alida	Morrison, Gail	Pilliod, James
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CARROLL

Ahlgren, Christopher	Buco, Thomas	Dickinson, Howard	Knox, J David
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Mears, Edgar	Merrick, Scott	Stohl, Eric	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Dokmo, Cynthia	Emerton, Larry	Essex, David
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Messier, Irene	Michon, Stephen	Movsesian, Lori
Pilote, Maurice	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve
Wheeler, Robert			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Hess, David	Lockwood, Priscilla	Marple, Richard
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Cady, Harriet	Cali-Pitts, Jacqueline	Carson, Sharon	Casey, Kimberley

Cooney, Richard
 Forsing, Robert
 Langley, Jane
 Norelli, Terie
 Serlin, Christopher
 Winchell, George

DiFruscia, Anthony
 Francoeur, Sheila
 Major, Norman
 Powers, James
 Splaine, James

Dowling, Patricia
 Garrity, James
 McKinney, Betsy
 Robertson, Carl
 Weare, E Albert

Flockhart, Eileen
 Gould, Kenneth
 Moody, Marcia
 Scamman, Stella
 Wells, Roger

STRAFFORD

Berube, Roger
 Cilley, Jacalyn
 Heon, Richard
 Kaen, Naida
 Rous, Emma
 Taylor, Kathleen

Brown, Jennifer
 Creteau, Irene
 Hilliard, Dana
 Keans, Sandra
 Schmidt, Peter
 Wall, Janet

Brown, Julie
 Domingo, Baldwin
 Hofemann, Roland
 Miller, Joseph
 Smith, Marjorie

Brown, Lawrence
 Dunlap, Patricia
 Johnson, Nancy
 Rollo, Michael
 Spang, Judith

SULLIVAN

Cloutier, John
 Franklin, Peter
 Prichard, Stephen

Converse, Larry
 Gale, Harry
 Rodeschin, Beverly

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

and the majority committee report failed.

Rep. Marjorie Smith moved Inexpedient to Legislate.

On a division vote, 198 members having voted in the affirmative and 140 in the negative, the motion was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Craig moved that the House reconsider its action whereby it voted **HB 639-FN**, relative to voter registration, Inexpedient to Legislate.

Rep. Hawkins requested a roll call; sufficiently seconded.

YEAS 137 NAYS 200

YEAS 137

BELKNAP

Allen, Janet
 Flanders, Donald
 Thomas, John

Boyce, Laurie
 Heald, Bruce
 Tilton, Franklin

Clark, Charles
 Rosen, Ralph
 Tobin, William

Fitzgerald, James
 Russell, David
 Whalley, Michael

CARROLL

Babson, David Jr
 Stevens, Stanley

Chandler, Gene

Martin, James

McConkey, Mark

CHESHIRE

Emerson, Susan
 Sawyer, Sheldon

Foote, Sheila

Hunt, John

Pelkey, Stephen

COOS

King, Frederick
 Richardson, Herbert

Lary, Bruce
 Tholl, John Jr

Morneau, Renney

Remick, William

GRAFTON

Eaton, Stephanie
 Maybeck, Margie

Gionet, Edmond
 Mirski, Paul

Giuda, Robert
 Ward, John

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
 Batula, Peter
 Brundige, Robert
 Clark, Mark
 Dyer, Donald
 Gibson, John

Allan, Nelson
 Bergeron, Jean-Guy
 Buhlman, David
 Coughlin, Pamela
 Elliott, Nancy
 Golding, William

Balboni, Michael
 Biundo, Michael
 Calawa, Leon Jr
 Crane, Elenore Casey
 Francoeur, Bea
 Hagan, Barbara

Barry, J Gail
 Boehm, Ralph
 Christiansen, Lars
 Drisko, Richard
 Gargas, Carolyn
 Hansen, Ryan

Hawkins, Ken
 Infantine, William
 Lawrence, James
 Mooney, Maureen
 Ober, Lynne
 Renzullo, Andrew
 Stepanek, Stephen

Hellwig, Steve
 Jasper, Shawn
 Lessard, Rudy
 Moran, Edward
 Pepino, Leo
 Rowe, Robert
 Ulery, Jordan

Hinkle, Peyton
 Kelly, Eugene Jr
 Manney, Pamela
 O'Brien, William
 Price, Pamela
 Scanlon, Michael
 Wheeler, James

Hirschmann, Keith
 L'Heureux, Robert
 Mead, Robert
 O'Connell, Timothy
 Reeves, Sandra
 Slocum, Lee

MERRIMACK

Anderson, Eric
 Kidder, David
 Soltani, Tony

Danforth, James
 L'Heureux, Stephen
 Whiting, Herbert

Field, William
 Langlais, Thomas

Kennedy, Richard
 Reed, Dennis

ROCKINGHAM

Belanger, Ronald
 Camm, Kevin
 Dowd, John
 Gilbert, Karl
 Ingram, Russell
 Lund, Howie
 Packard, Sherman
 Sanders, Elisabeth
 Weyler, Kenneth

Bettencourt, David
 Charron, Gene
 Doyle, Christopher
 Griffin, Mary
 Johnson, Robert
 McMahon, Charles
 Quandt, Marshall Lee
 Stiles, Nancy

Bridle, Russell
 Coburn, James
 Fesh, Bob
 Headd, James
 Katsakiores, George
 Nowe, Ronald
 Quandt, Matthew
 Waterhouse, Kevin

Buxton, Donald
 Donahue, Richard Ken
 Forsing, Robert
 Hughes, Daniel
 Katsakiores, Phyllis
 O'Neil, Michael
 Rausch, James
 Wells, Roger

STRAFFORD

Bickford, David
 Newton, Clifford

Cataldo, Sam
 Twombly, James

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Irish, Christopher

Osgood, Philip Sr

NAYS 200

BELKNAP

Millham, Alida

Morrison, Gail

Nedean, Stephen

Pilliod, James

CARROLL

Ahlgren, Christopher
 Knox, J David
 Philbrick, Donald

Brown, Carolyn
 Merrow, Harry

Buco, Thomas
 Olimpio, J Lisbeth

Dickinson, Howard
 Patten, Betsey

CHESHIRE

Allen, Peter
 Dexter, Judson
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

Butcher, Suzanne
 Eaton, Daniel
 Parkhurst, Henry
 Roberts, Kris

Butynski, William
 Espiefs, Peter
 Plifka, Stanley Jr
 Robertson, Timothy

Coates, Christopher
 Hogancamp, Deborah
 Pratt, John
 Tilton, Anna

COOS

Mears, Edgar

Merrick, Scott

Stohl, Eric

Theberge, Robert

GRAFTON

Aguiar, James
 Cooney, Mary
 McLeod, Martha
 Sokol, Hilda

Almy, Susan
 Ham, Bonnie
 Mulholland, Catherine
 Solomon, Peter

Andersen, Gene
 Hammond, Lee
 Naro, Debra
 Williams, Burton

Benn, Bernard
 Harding, A Laurie
 Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
 Campbell, David
 Clemons, Jane
 Daniuk, Caitlin

Beaulieu, Jane
 Chase, James
 Cote, David
 Desmarais, Vivian

Bergin, Peter
 Chase, Claudia
 Cote, Peter
 DeVries, Betsi

Brassard, Paul
 Christensen, D L Chris
 Craig, James
 Dokmo, Cynthia

Emerton, Larry
 Goley, Jeffrey
 Hall, Betty
 Johnson, Paula
 Lefebvre, Roland
 Messier, Irene
 Rosenwald, Cindy
 Shaw, Barbara
 Sullivan, Francis
 Villeneuve, Maurice

Essex, David
 Gorman, Mary
 Harvey, Suzanne
 Kopka, Angeline
 Martin, Mary Ellen
 Michon, Stephen
 Ryder, Donald
 Shaw, Kimberly
 Sullivan, Peter
 Wheeler, Robert

Foster, Linda
 Goyette, Peter Jr
 Irwin, Anne-Marie
 Kurk, Neal
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Schulze, Joan
 Smith, David
 Tahir, Saghir

Ginsburg, Ruth
 Graham, John
 Jean, Claudette
 Lasky, Bette
 McRae, Karen
 Pilote, Maurice
 Shattuck, Gilman
 Souza, Kathleen
 Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
 Currier, David
 French, Barbara
 Hess, David
 Marple, Richard
 Owen, Derek
 Shurtleff, Stephen
 Walz, Mary Beth

Bouchard, Candace
 DeJoie, John
 Gile, Mary
 Klose, John
 Maxfield, Roy
 Potter, Frances
 Tilton, Joy
 Williams, Robert

Brueggemann, Donald
 DeStefano, Stephen
 Hager, Elizabeth
 Lockwood, Priscilla
 McMahon, Patricia
 Rush, Deanna
 Tupper, Frank
 Yeaton, Charles

Clarke, Claire
 Foose, Robert
 Hamm, Christine
 MacKay, James
 Osborne, Jessie
 Ryan, Jim
 Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
 Cady, Harriet
 Cooney, Richard
 Flanders, John Sr
 Gould, Kenneth
 McKinney, Betsy
 Powers, James
 Serlin, Christopher
 Welch, David

Allen, Mary
 Cali-Pitts, Jacqueline
 DiFruscia, Anthony
 Flockhart, Eileen
 Hopfgarten, Paul
 Moody, Marcia
 Robertson, Carl
 Splaine, James
 Winchell, George

Asselin, Michael
 Carson, Sharon
 Dowling, Patricia
 Francoeur, Sheila
 Langley, Jane
 Norelli, Terie
 Rolston, James
 Stone, Joseph

Bicknell, Elbert
 Casey, Kimberley
 Dumaine, Dudley
 Garrity, James
 Major, Norman
 Palazzo, Frank
 Scamman, Stella
 Weare, E Albert

STRAFFORD

Berube, Roger
 Cilley, Jacalyn
 Heon, Richard
 Kaen, Naida
 Rous, Emma
 Taylor, Kathleen

Brown, Jennifer
 Creteau, Irene
 Hilliard, Dana
 Keans, Sandra
 Schmidt, Peter
 Wall, Janet

Brown, Julie
 Domingo, Baldwin
 Hofemann, Roland
 Miller, Joseph
 Smith, Marjorie

Brown, Lawrence
 Dunlap, Patricia
 Johnson, Nancy
 Rollo, Michael
 Spang, Judith

SULLIVAN

Cloutier, John
 Franklin, Peter
 Prichard, Stephen
 and the motion failed.

Converse, Larry
 Gale, Harry
 Rodeschin, Beverly

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

SPECIAL ORDER

Without objection, the Chair ordered that HB 722, relative to the spreading of biosolids in certain designated areas, be made a Special Order for Thursday, February 2, 2006 as the first order of business.

Motion adopted.

REGULAR CALENDAR

SPECIAL ORDERS (CONT'D.)

HB 541, relative to repealing the incorporation of the New Hampshire Bar Association. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stephen J. Shurtleff for the Majority of Judiciary: This bill seeks to revoke the corporate charter of the New Hampshire Bar Association and confiscate its assets due to the sponsor's erroneous belief that the association is an illegal monopoly. However, extensive testimony and legal

research refuted this notion, and in fact, case law in New Hampshire and in most, if not all, jurisdictions affirm that mandatory bar associations are not illegal monopolies within the meaning of the law. Additionally, the minority mistakenly believes that the Bar Association regulates the practice of law. This is simply not correct. The Supreme Court, through rules and court committees, regulates the practice of law in this state. The majority of the committee could find no justification of revoking the charter, let alone confiscating its assets, without giving the association the benefit of due process of law. It is simply not the New Hampshire way. Vote 13-7.

Rep. Robert D. Mead for the Minority of Judiciary: This bill seeks to repeal the corporate charter granted to the New Hampshire Bar Association by the Legislature in 1873 on the basis of some very valid concerns. The legal system and the courts established by our Constitution are intended to protect the public and private rights of our citizens by providing remedies and redress when those rights have been violated. Over time, however, our legal system has come under the indirect control of a private fraternal organization through mandatory membership in, and regulation of those who practice law by that private organization. This obligatory membership and regulation has extended to including the very judges presiding over the courts established to protect and administer justice for our citizens. Originally founded as chartered on the basis of its being – an independent fraternal corporation organized to pursue improvement of the administration of justice as determined by its membership, the Association has become a monopoly in violation of Article 83, Part Second. This has occurred because, the Supreme Court, which already regulated admission of attorneys to the practice of law, some 35 years ago made membership in the Association mandatory for all attorneys. The monopoly power illegally conferred on the Association has led to a situation in which the legal system established by the New Hampshire Constitution to protect the rights of, and to provide remedies and redress for its citizens has come in no small part under the indirect control of this corporation, whose officers are neither employees of the state, nor elected to their position by the citizens of New Hampshire. Slowly, over time and through various legislative actions and administrative rulings by the Supreme Court, controlling influences in some judicial and executive branch policies and practices have been granted to this private organization. Unique among professional organizations, it has become an authorized licensing board along with the other state and municipal agencies (RSA 161-B:2 X). This private organization determines who is qualified to satisfy some “members only” appointments by Governor and Executive Council (RSA 494:1 VIII, IX) and contracts issued for public defenders are subject to approval by its board of governors, to whose deliberations the public has no right of access (RSA 604-B:4). To further protect their unique position, New Hampshire Bar Association members are exempt from the state licensing required of members of other professions, such as physicians, dentists, insurance agents, realtors, and the skilled trades. The administrative controls that have been woven into the fabric of our state government by this private fraternal organization strike at the very heart of a free, open and representative government and the legal system and set New Hampshire apart from our neighboring New England states of Maine, Vermont, Connecticut, and Massachusetts.

Rep. Lars Christiansen spoke against.

Rep. Mooney spoke in favor.

On a division vote, 269 members having voted in the affirmative and 29 in the negative, the majority committee report was adopted.

Reps. Coughlin and Peter Sullivan declared a conflict of interest and did not participate.

HB 626-FN-L, relative to the right-to-know law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cynthia J. Dokmo for Judiciary: This bill updates the Right to Know law to reflect new types of communications created by advancements in technology, such as the Internet and sophisticated phone systems. It neither broadens nor narrows the reach of existing law, but simply acknowledges these new forms of communications and clarifies when they are subject to the law. The update was the product of a two year study by a commission formed specifically by the legislature to address modern technology. The commission continues to meet with the object of updating other provisions of the Right to Know law, such as copy costs and penalties. It expects to file additional legislation in the next term. However, all parties agree that it was essential to make the changes proposed in the current bill, to clarify issues related to new types of communications. Vote 20-0.

Amendment (0153h)

Amend RSA 91-A:1-a, V(b) as inserted by section 3 of the bill by replacing it with the following:

(b) The executive council and the governor with the executive council; including any advisory committee established by the governor by executive order or by the executive council;

Amend RSA 91-A:2 as inserted by section 4 of the bill by replacing it with the following:
 91-A:2 Meetings Open to Public.

I. For the purpose of this ~~section~~ *chapter*, a "meeting" ~~[shall mean]~~ *means* the convening of a quorum of the membership of a public body, as ~~provided~~ *defined* in RSA 91-A:1-a, ~~[to discuss or act] whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power. A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters. However, if any such matters are discussed among a quorum of the body, the discussion shall be disclosed at the next meeting of the body.~~ "Meeting" shall also not include:

(a) Any chance meeting or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business and at which no decisions are made; however, no such chance or social meeting shall be used to circumvent the spirit of this chapter;

~~(b)~~ (a) Strategy or negotiations with respect to collective bargaining;

~~(c)~~ (b) Consultation with legal counsel; ~~or~~

~~(d)~~ (c) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2[-]; ~~or~~

(d) *Circulation of draft documents which, when finalized, are intended only to formalize decisions formerly made in a meeting.*

II. ~~[All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies.] Subject to the provisions of RSA 91-A:3, all meetings shall be open to the public.~~ Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the *public* bodies ~~[or agencies]~~, and a brief description of the subject matter discussed and final decisions, shall be promptly recorded and open to public inspection within 144 hours of the ~~[public]~~ meeting, except as provided in RSA 91-A:6, and shall be treated as permanent records of any *public* body ~~[or agency]~~, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places, *one of which may be the public body's Internet website, if such exists*, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the *public* body ~~[or agency]~~ who shall *post a notice of the time and place of such meeting, as soon as practicable, and shall employ whatever further means are reasonably available to inform the public that a meeting is to be held.* The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives or the senate, whichever rules are appropriate, shall be sufficient notice. If the charter of any city or guidelines or rules of order of any *public* body ~~[or agency described in RSA 91-A:1-a]~~ require a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

Amend the bill by replacing sections 7 and 8 with the following:

7 New Section; Communications Outside Meetings. Amend RSA 91-A by inserting after section 2 the following new section:

91-A:2-a Communications Outside Meetings.

I. Any communications outside a meeting, in whatever form, among a quorum of the membership of a public body which bear upon matters over which the body has supervision, control, jurisdiction, or advisory power shall be disclosed at the next meeting of the body before any decision may be made, including a decision not to act. If such communications are in writing, copies or printouts shall be made a part of the public record. Communications among less than a quorum of members need not be disclosed. Communications described in RSA 91-A:2, I(a)-(d) are not subject to the disclosure requirements of this paragraph.

II. Communications outside a meeting shall not be used to circumvent the spirit of this chapter.

8 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill clarifies the manner in which the right-to-know law applies to both governmental records kept in electronic form and electronic communication used to transact governmental business.
Amendment adopted.

The question now being adoption of the committee report.

Rep. Newton spoke against.

Rep. Cady spoke in favor.

Rep. Thomas spoke in favor and yielded to questions.

Rep. Newton requested a roll call; sufficiently seconded.

YEAS 266 NAYS 41

YEAS 266

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Butcher, Suzanne	Butynski, William	Coates, Christopher	Dexter, Judson
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Roberts, Kris	Robertson, Timothy

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Maybeck, Margie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Allan, Nelson	Balboni, Michael	Barry, J Gail	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Chase, Claudia	Christensen, D L Chris
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Emerton, Larry	Essex, David	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Harvey, Suzanne
Hawkins, Ken	Hirschmann, Keith	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lefebvre, Roland	Lessard, Rudy	Manney, Pamela
Martin, Mary Ellen	Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert

Messier, Irene
O'Brien, William
Pilotte, Maurice
Rowe, Robert
Shattuck, Gilman
Sullivan, Francis

Mooney, Maureen
O'Connell, Timothy
Price, Pamela
Ryder, Donald
Shaw, Barbara
Tahir, Saghir

Moran, Edward
Ober, Lynne
Reeves, Sandra
Scanlon, Michael
Shaw, Kimberly
Wheeler, Robert

Movsesian, Lori
Pepino, Leo
Rosenwald, Cindy
Schulze, Joan
Stepanek, Stephen

MERRIMACK

Blanchard, Elizabeth
Currier, David
Field, William
Hager, Elizabeth
Klose, John
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
Danforth, James
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
DeJoie, John
French, Barbara
Hess, David
MacKay, James
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Clarke, Claire
DeStefano, Stephen
Gile, Mary
Kidder, David
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Camm, Kevin
Coburn, James
Dowd, John
Flockhart, Eileen
Griffin, Mary
Katsakiores, George
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Wells, Roger

Allen, Mary
Buxton, Donald
Carson, Sharon
Cooney, Richard
Dowling, Patricia
Francoeur, Sheila
Headd, James
Katsakiores, Phyllis
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Winchell, George

Asselin, Michael
Cady, Harriet
Casey, Kimberley
DiFruscia, Anthony
Fesh, Bob
Garity, James
Ingram, Russell
Langley, Jane
Norelli, Terie
Palazzo, Frank
Rausch, James
Scamman, Stella
Weare, E Albert

Belanger, Ronald
Cali-Pitts, Jacqueline
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Gould, Kenneth
Johnson, Robert
Major, Norman
Nowe, Ronald
Powers, James
Robertson, Carl
Stiles, Nancy
Welch, David

STRAFFORD

Bickford, David
Chaplin, Duncan
Easson, Timothy
Kaen, Naida
Schmidt, Peter
Twombly, James

Brown, Julie
Creteau, Irene
Hilliard, Dana
Keans, Sandra
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Spang, Judith

Cataldo, Sam
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Irish, Christopher
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 41 BELKNAP

Boyce, Laurie

CARROLL

CHESHIRE

Sawyer, Sheldon

Tilton, Anna

COOS

None

GRAFTON

Giuda, Robert

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV

Bergeron, Jean-Guy

Clark, Mark

Crane, Elenore Casey

Elliott, Nancy

Gibson, John

Goyette, Peter Jr

Hagan, Barbara

Hellwig, Steve

Hinkle, Peyton

Johnson, Paula

Lawrence, James

Renzullo, Andrew

Slocum, Lee

Smith, David

Souza, Kathleen

Sullivan, Peter

Ulery, Jordan

Villeneuve, Maurice

Wheeler, James

MERRIMACK

Anderson, Eric

Kennedy, Richard

Langlais, Thomas

Marple, Richard

Soltani, Tony

ROCKINGHAM

Bettencourt, David

Bicknell, Elbert

Doyle, Christopher

Dumaine, Dudley

Hopfgarten, Paul

Hughes, Daniel

Lund, Howie

Splaine, James

Weyler, Kenneth

STRAFFORD

Newton, Clifford

SULLIVAN

None

and the committee report was adopted.

Ordered to third reading.

SPECIAL ORDER

Without objection, the Speaker ordered that the remaining bills on today's calendar be made Special Orders for February 2, 2006.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 2, 2006 at 9:30 a.m. Adopted.

LATE SESSION**Third reading and final passage**

HB 1135, making a technical correction to the Uniform Interstate Family Support Act.

HB 1214, establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.

HB 1285, making certain technical corrections to the adoption statute.

HB 1489, relative to school emergency response plans.

HB 1539, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist.

HB 1118, requiring paper ballots at all elections.

HB 1122, relative to special elections.

HB 1147, relative to the conduct of recounts.

HB 1166, relative to electronic ballot counting machines.

HB 1283, relative to sheep and goat identification requirements.

HB 1296, relative to the voluntary scrapie flock certification program.

HB 1185, relative to Volunteer NH.

HB 1498, establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

- HB 1503**, relative to financial programs administered by the postsecondary education commission.
- HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health.
- HB 1226-FN**, relative to the New Hampshire Humanities Council.
- HB 1115**, relative to the definition of resident for purposes of fish and game laws.
- HB 1605-FN**, relative to transfers from prepaid fish and game license fund.
- HB 1657**, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.
- HB 1658**, relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.
- HB 1659**, relative to the use of certain small caliber firearms in taking wildlife.
- HB 1121-L**, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.
- HB 1204**, relative to human immunodeficiency virus education, prevention and control.
- HB 1220**, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older.
- HB 1279**, establishing a commission to study state medicaid reimbursement.
- HB 1332**, establishing a commission to study health care in New Hampshire correctional facilities.
- HB 1461**, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits.
- HB 1119**, relative to naming the Richard Monahan Bridge in the town of Carroll.
- HB 1198**, establishing a committee to study highway rest areas.
- HB 1228-FN**, relative to the sale or lease of state-owned real estate.
- HB 1468-FN-L**, relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.
- HB 1471-FN**, repealing the statutes relative to regional highway conferences.
- HB 1688**, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett.
- HB 1579**, relative to membership of the air resources council.
- HJR 22**, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research.
- HB 716-FN**, relative to securities regulation.
- HB 1179**, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission.
- HB 76**, relative to distribution of state aid to charter schools.
- HB 278-L**, relative to the alternative budget procedure in school administrative units.
- HB 345**, requiring photo identification to obtain a ballot.
- HB 347**, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.
- HB 391**, relative to election affidavits.
- HB 621-FN**, requiring disclosure of gifts and campaign contributions by lobbyists.
- HB 626-FN-L**, relative to the right-to-know law.

UNANIMOUS CONSENT

Reps. Easson, Craig, Mirski, and Daniel Eaton addressed the House.

Rep. O'Neil requested that the remarks of Rep. Easson be entered in the Permanent Journal.

Without objection, the Chair so ordered.

REMARKS

Rep. Easson: Thank you, Mr. Speaker. Last week, New Hampshire marked the 20th anniversary of a national tragedy that affected this state deeply. When the space shuttle Challenger was lost on January 28, 1986, America and New Hampshire grieved for a dedicated teacher and noble explorer in Christa McAuliffe. She embodied the high ideals, work ethic, and passion that has motivated ordinary people to do extraordinary things so many times in our history.

But high ideals and extraordinary feats are not always without pain and sacrifice. The Challenger crew was not the first lost in America's space program, and sadly, they were not the last. Seventeen dedicated men and women have sacrificed to their last full measure in pursuit of reaching out to embrace to the mysteries and wonders of space. Coincidentally, the anniversaries of those events are strikingly close together.

Let us also remember that January 27 marked 39 years since Apollo I in which we lost Edward White, Gus Grissom and Roger Chaffee. Twenty years ago on January 28th, Dick Scobee, Michael J. Smith,

Judith A. Resnik, Ronald E. McNair, Ellison S. Onizuka and Gregory B. Jarvis were killed alongside Christa McAuliffe on Challenger. And today, February 1st, marks three years since the space shuttle Columbia was destroyed on re-entry killing Rick D. Husband, William C. McCool, Michael P. Anderson, David M. Brown, Kalpana Chawla, Laurel Blair Salton Clark, and Ilan Ramon. I would like to conclude with a portion of the remarks made to the nation by President Ronald Reagan on the day we lost Challenger.

"I want to say something to the school children of America who were watching the live coverage of the shuttle's takeoff. I know it is hard to understand, but sometimes painful things like this happen. It's all part of the process of exploration and discovery. It's all part of taking a chance and expanding man's horizons. The future doesn't belong to the fainthearted; it belongs to the brave. The Challenger crew was pulling us into the future, and we'll continue to follow them. The crew of the space shuttle Challenger honored us by the manner in which they lived their lives. We will never forget them, nor the last time we saw them this morning, as they prepared for their journey and waved good-bye and "slipped the surly bonds of earth" to "touch the face of God." Thank you, Mr. Speaker. I ask that the House pause to observe a moment of silence.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
Adopted.

The House recessed at 6:20 p.m.

RECESS

(Rep. Lars Christiansen in the Chair)

RESOLUTION

Rep. DiFruscia offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 1770, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.
Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1770, requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records. (Kurk, Hills 7: Judiciary)

ENROLLED BILL AMENDMENT

SB 72, relative to the licensing of public adjusters. (Amendment printed SJ 02/09/06)
Adopted.

SENATE MESSAGE

CONCURRENCES

HB 1184, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities.

HB 1248-FN, relative to the alteration of a portion of the town line between Milford and Amherst.

HB 1262, legalizing actions taken at town meeting relative to increasing the board of selectmen from 3 members to 5 members in the town of Pittsfield.

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 4

Thursday, February 2, 2006

The House assembled at 9:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

Remind us, O God, when it feels as though our work is never done, that Your work is endless, and that in some small way, often unbeknownst to us, we can be vessels for the divine work to which You call us: building community, providing for all, legislating justice, working toward peace, and offering opportunities which allow all of Your children to lead meaningful and rewarding lives. In that knowledge, give us renewed energy today as we tackle the issues we did not get to yesterday: issues concerning taxation, speed limits and safety, municipal finance, and more. Give us a sense of gratitude for this burden of leadership we carry, knowing that with the responsibility comes the knowledge that we have provided for others.

Bless those here in this chamber who are in need of support or care this day. Bless the family members and friends who are in need and bless especially, we pray, the poor, the homeless, the addicted and the forgotten. In Your Holy name, we ask it. Amen

Rep. John W. Flanders, Sr., member from Kingston, led the Pledge of Allegiance.

The National Anthem was sung by members of the Epping Middle and High School Chorus.

LEAVES OF ABSENCE

Reps. Aboshar, Barker, Carlson, Gillick, Hunter, Putnam, Snyder, Weldy and Wiley, the day, illness.
 Reps. Janet Allen, Bleyler, Buhlman, Dalrymple, Daniuk, Egbers, Goley, Hollinger, Introne, Mirski, Moore, Morneau, Morris, Naro, Osgood, Pepino, Priestly, Ross and Zolla, the day, important business.
 Rep. MaryAnn Blanchard, the day, illness in the family.
 Rep. Souza, the day, death in the family.

INTRODUCTION OF GUESTS

David and Betty Bowles, guests of Rep. Carolyn Brown. The 4th grade class from Peter Woodberry School in Bedford, guests of the Bedford delegation.

REGULAR CALENDAR

SPECIAL ORDERS

HB 722, relative to the spreading of biosolids in certain designated areas. **WITHOUT RECOMMENDATION.**

Rep. Babson moved Ought to Pass with Amendment and offered floor amendment (0270h).

Floor Amendment (0270h)

Amend the bill by replacing all after section 4 with the following:

5 New Subdivision; Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste. Amend RSA 483 by inserting after section 15 the following new subdivision:

Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste

483:16 Definitions. In this chapter:

I. "Biosolids" mean biosolids as defined in RSA 485-A:2, XXII.

II. "Septage" means septage as defined in RSA 485-A:2, IX-a.

III. "Short paper fiber" means short paper fiber as defined in RSA 485-A:2, XXIII.

IV. "Sludge" means sludge as defined in RSA 485-A:2, XI-a.

V. "Solid waste" means solid waste as defined in RSA 149-M:4, XXII.

483:17 Land Application of Biosolids, Septage, Short Paper Fiber, Sludge, and Solid Waste.

I. Within a protected river corridor, any land application or stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the protected river.

II. Along tributaries within a protected river corridor and outside the 250-foot setback required under paragraph I:

(a)(1) If immediately incorporated into the soil, any land application of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 75 feet from the normal high water mark of the tributary on land which has a slope less than 15 percent; or

(2) If not immediately incorporated in the soil, the application shall be set back 125 feet from the normal high water mark of the tributary on land which has a slope less than 15 percent, and shall only be applied to established forage crops.

(b) Any stockpiling of biosolids, septage, short paper fiber, sludge, and solid waste shall be set back a minimum of 250 feet from the normal high water mark of the tributary.

III. The provisions of this section shall not apply to biosolids that are sold for home gardening use in consumer packages registered as fertilizers under RSA 431:4 and that weigh 100 pounds or less.

483:18 Exception; Manure, Lime, and Wood Ash. The provisions of RSA 483:17 shall not apply to manure, lime, or wood ash, when used for agricultural purposes.

483:19 Exception; Temporary Use Authorization. The provisions of RSA 483:17 shall not apply to biosolids, septage, short paper fiber, sludge, and solid waste when applied to existing land application sites exempt under 1998, 56:6, as amended by 2003, 43:14, unless the required departmental permit issued under applicable rules is not renewed, is revoked, or is allowed to lapse.

483:20 Exception; Scientific Research. The restrictions on the land application of biosolids, septage, short paper fiber, sludge, and solid waste contained in this subdivision shall not apply to qualifying land that is used for scientific research on biosolids, septage, short paper fiber, sludge, and solid waste conducted by the university of New Hampshire and the New Hampshire department of environmental services. Any continued application of biosolids, septage, short paper fiber, sludge, and solid waste pursuant to this section shall comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension.

6 Effective Date. This act shall take effect 60 days after its passage.

Reps. Essex and Babson spoke in favor.

Rep. Olimpio spoke against.

Rep. Owen spoke against and yielded to questions.

Rep. Essex requested a roll call; sufficiently seconded.

YEAS 162 NAYS 160

YEAS 162

BELKNAP

Boyce, Laurie
Russell, David
Whalley, Michael

Flanders, Donald
Thomas, John

Heald, Bruce
Tilton, Franklin

Millham, Alida
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Patten, Betsey

Babson, David Jr
Knox, J David
Philbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Merrow, Harry

CHESHIRE

Butcher, Suzanne
Plifka, Stanley Jr

Butynski, William
Pratt, John

Chase, William
Robertson, Timothy

Hunt, John
Sawyer, Sheldon

COOS

Buzzell, Bernard
Tholl, John Jr

King, Frederick

Merrick, Scott

Stohl, Eric

GRAFTON

Aguiar, James
Dorsett, Andrew
Maybeck, Margie
Williams, Burton

Almy, Susan
Gionet, Edmond
McLeod, Martha

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon

Cooney, Mary
Ingbretson, Paul
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
 Carew, James
 Dokmo, Cynthia
 Gibson, John
 Hawkins, Ken
 Irwin, Anne-Marie
 Manney, Pamela
 Pappas, Christopher
 Rosenwald, Cindy
 Slocum, Lee
 Wheeler, James

Beaulieu, Jane
 Chase, Claudia
 Dyer, Donald
 Golding, William
 Hellwig, Steve
 Jasper, Shawn
 McRae, Karen
 Price, Pamela
 Scanlon, Michael
 Stepanek, Stephen
 Wheeler, Robert

Biundo, Michael
 Christensen, D L Chris
 Essex, David
 Goyette, Peter Jr
 Hinkle, Peyton
 Jean, Claudette
 Mosesian, Lori
 Reeves, Sandra
 Schulze, Joan
 Ulery, Jordan

Boehm, Ralph
 Coughlin, Pamela
 Foster, Linda
 Hansen, Ryan
 Holden, Randolph
 Lasky, Bette
 O'Connell, Timothy
 Rochette, Eric
 Shaw, Barbara
 Vaillancourt, Steve

MERRIMACK

Danforth, James
 Hager, Elizabeth
 Lockwood, Priscilla
 Reed, Dennis

DeJoie, John
 Hamm, Christine
 MacKay, James
 Rush, Deanna

Foose, Robert
 Kennedy, Richard
 Maxfield, Roy
 Tilton, Joy

Greco, Vincent
 Klose, John
 Reardon, Tara
 Williams, Robert

ROCKINGHAM

Allen, Mary
 Camm, Kevin
 Cooney, Richard
 Forsing, Robert
 Gould, Kenneth
 Johnson, Robert
 McMahon, Charles
 Parker, Benjamin
 Sanders, Elisabeth
 Stone, Joseph
 Wells, Roger

Bettencourt, David
 Carson, Sharon
 DiFruscia, Anthony
 Francoeur, Sheila
 Headd, James
 Kobel, Rudolph
 O'Neil, Michael
 Quandt, Marshall Lee
 Scamman, Stella
 Waterhouse, Kevin
 Weyler, Kenneth

Bridle, Russell
 Casey, Kimberley
 Dowling, Patricia
 Garrity, James
 Hopfgarten, Paul
 Langley, Jane
 Packard, Sherman
 Quandt, Matthew
 Splaine, James
 Weare, E Albert

Cali-Pitts, Jacqueline
 Coburn, James
 Flanders, John Sr
 Gilbert, Karl
 Itse, Daniel
 Mason, April
 Palazzo, Frank
 Rausch, James
 Stiles, Nancy
 Welch, David

STRAFFORD

Albert, Russell
 Cilley, Jacalyn
 Newton, Clifford
 Twombly, James

Berube, Roger
 Easson, Timothy
 Rous, Emma

Cataldo, Sam
 Kaen, Naida
 Spang, Judith

Chaplin, Duncan
 Knowles, William
 Taylor, Kathleen

SULLIVAN

Converse, Larry

Gale, Harry

Rodeschin, Beverly

NAYS 160**BELKNAP**

Clark, Charles
 Pilliod, James

Fitzgerald, James
 Rosen, Ralph

Morrison, Gail
 Veazey, John

Neddeau, Stephen
 Wendelboe, Fran

CARROLL

Buco, Thomas

Martin, James

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
 Emerson, Susan
 Parkhurst, Henry
 Tilton, Anna

Coates, Christopher
 Foote, Sheila
 Pelkey, Stephen
 Weed, Charles

Dexter, Judson
 Hogancamp, Deborah
 Richardson, Barbara

Dunn, J Timothy
 Mitchell, Bonnie
 Roberts, Kris

COOS

Lary, Bruce
 Theberge, Robert

Mears, Edgar

Remick, William

Richardson, Herbert

GRAFTON

Andersen, Gene
Hammond, Lee

Eaton, Stephanie
Mulholland, Catherine

Giuda, Robert
Sokol, Hilda

Ham, Bonnie
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Bergeron, Jean-Guy
Calawa, Leon Jr
Elliott, Nancy
Graham, John
Harvey, Suzanne
L'Heureux, Robert
Matarazzo, Anthony Sr
Ober, Lynne
Shattuck, Gilman
Sullivan, Peter

Baroody, Benjamin
Bergin, Peter
Christiansen, Lars
Emerton, Larry
Hagan, Barbara
Judy, Jean
Lawrence, James
Mead, Robert
Pilote, Maurice
Shaw, Kimberly
Tahir, Saghir

Barry, J Gail
Brassard, Paul
Cote, David
Ginsburg, Ruth
Haley, Robert
Johnson, Paula
Lessard, Rudy
Messier, Irene
Renzullo, Andrew
Smith, David
Velez, Hector

Batula, Peter
Brundige, Robert
Cote, Peter
Gorman, Mary
Hall, Betty
Kurk, Neal
Martin, Mary Ellen
O'Brien, William
Ryder, Donald
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Clarke, Claire
Gile, Mary
Marple, Richard
Potter, Frances
Walz, Mary Beth

Blanchard, Elizabeth
DeStefano, Stephen
Kidder, David
McMahon, Patricia
Ryan, Jim
Whiting, Herbert

Bouchard, Candace
Field, William
L'Heureux, Stephen
Osborne, Jessie
Shurtleff, Stephen
Yeaton, Charles

Brueggemann, Donald
French, Barbara
Langlais, Thomas
Owen, Derek
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Doyle, Christopher
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
Pantelakos, Laura
Winchell, George

Asselin, Michael
Cady, Harriet
Dumaine, Dudley
Hughes, Daniel
Lund, Howie
Moody, Marcia
Powers, James

Belanger, Ronald
Charron, Gene
Fesh, Bob
Ingram, Russell
Major, Norman
Norelli, Terie
Robertson, Carl

Bishop, Franklin
Dowd, John
Flockhart, Eileen
Katsakiores, George
Manning, John
Nowe, Ronald
Rolston, James

STRAFFORD

Brown, Jennifer
Creteau, Irene
Grassie, Anne
Keans, Sandra
Smith, Marjorie

Brown, Julie
Domingo, Baldwin
Heon, Richard
Miller, Joseph
Wall, Janet

Brown, Lawrence
Dunlap, Patricia
Hofemann, Roland
Rollo, Michael

Callaghan, Frank
Goodwin, Earle
Johnson, Nancy
Schmidt, Peter

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Donovan, Thomas
Irish, Christopher

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Prichard, Stephen

and floor amendment (0270h) was adopted.

Rep. Wendelboe voted Nay and intended to vote Yea.

The question now being adoption of the motion of Ought to Pass with Amendment.

Reps. Spang, Giuda, and Beaulieu spoke against.

Reps. Merrick, Essex and Babson spoke in favor.

Rep. Babson requested a roll call; sufficiently seconded.

YEAS 130 NAYS 206**YEAS 130****BELKNAP**

Boyce, Laurie
Russell, David
Wendelboe, Fran

Flanders, Donald
Thomas, John
Whalley, Michael

Heald, Bruce
Tilton, Franklin

Millham, Alida
Tobin, William

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	McConkey, Mark	Merrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Chase, William	Hunt, John	Plifka, Stanley Jr	Pratt, John
Robertson, Timothy	Sawyer, Sheldon		

COOS

Buzzell, Bernard	King, Frederick	Merrick, Scott	Stohl, Eric
Tholl, John Jr			

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Gionet, Edmond
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Biundo, Michael	Boehm, Ralph	Carew, James
Christensen, D L Chris	Christiansen, Lars	Clemons, Jane	Cote, David
Coughlin, Pamela	Crane, Elenore Casey	Drisko, Richard	Dyer, Donald
Essex, David	Gargas, Carolyn	Gibson, John	Golding, William
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton
Holden, Randolph	Jasper, Shawn	Jean, Claudette	Manney, Pamela
McRae, Karen	O'Connell, Timothy	Price, Pamela	Reeves, Sandra
Shaw, Barbara	Slocum, Lee	Ulery, Jordan	Vaillancourt, Steve
Wheeler, James	Wheeler, Robert		

MERRIMACK

Currier, David	Danforth, James	DeJoie, John	Greco, Vincent
Hager, Elizabeth	Hess, David	Klose, John	MacKay, James
Maxfield, Roy	Reed, Dennis		

ROCKINGHAM

Allen, Mary	Bishop, Franklin	Bridle, Russell	Camm, Kevin
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrrity, James
Gould, Kenneth	Headd, James	Hopfgarten, Paul	Itse, Daniel
Johnson, Robert	Kobel, Rudolph	Mason, April	McKinney, Betsy
McMahon, Charles	O'Neil, Michael	Palazzo, Frank	Parker, Benjamin
Quandt, Matthew	Rausch, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Wells, Roger	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Bickford, David	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Rous, Emma	Taylor, Kathleen
Twombly, James			

SULLIVAN

Converse, Larry	Gale, Harry	Rodeschin, Beverly
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NAYS 206**BELKNAP**

Clark, Charles	Fitzgerald, James	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Veazey, John	

CARROLL

Buco, Thomas	Martin, James	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter
Dexter, Judson
Foote, Sheila
Pelkey, Stephen
Weed, Charles

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Richardson, Barbara

Butynski, William
Emerson, Susan
Mitchell, Bonnie
Roberts, Kris

Coates, Christopher
Espiefs, Peter
Parkhurst, Henry
Tilton, Anna

COOS

Lary, Bruce
Theberge, Robert

Mears, Edgar

Remick, William

Richardson, Herbert

GRAFTON

Aguiar, James
Giuda, Robert
McLeod, Martha
Solomon, Peter

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine

Dorsett, Andrew
Hammond, Lee
Nordgren, Sharon

Eaton, Stephanie
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Allan, Nelson
Baiula, Peter
Brassard, Paul
Chase, Claudia
Elliott, Nancy
Gorman, Mary
Hall, Betty
Irwin, Anne-Marie
L'Heureux, Robert
Lessard, Rudy
Messier, Irene
Pappas, Christopher
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis
Villeneuve, Maurice

Balboni, Michael
Beaulieu, Jane
Brundige, Robert
Cote, Peter
Emerton, Larry
Graham, John
Harvey, Suzanne
Judy, Jean
Lasky, Bette
Martin, Mary Ellen
Movesian, Lori
Pilotte, Maurice
Ryder, Donald
Shaw, Kimberly
Sullivan, Peter

Baroody, Benjamin
Bergeron, Jean-Guy
Calawa, Leon Jr
Desmarais, Vivian
Foster, Linda
Hagan, Barbara
Hellwig, Steve
Johnson, Paula
Lawrence, James
Matarazzo, Anthony Sr
O'Brien, William
Renzullo, Andrew
Scanlon, Michael
Smith, David
Tahir, Saghir

Barry, J Gail
Bergin, Peter
Carter, Mark
Dokmo, Cynthia
Ginsburg, Ruth
Haley, Robert
Hirschmann, Keith
Kurk, Neal
Lefebvre, Roland
Mead, Robert
Ober, Lynne
Rochette, Eric
Schulze, Joan
Stepanek, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Kidder, David
Marple, Richard
Potter, Frances
Shurtleff, Stephen
Whiting, Herbert

Blanchard, Elizabeth
DeStefano, Stephen
Gile, Mary
L'Heureux, Stephen
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Bouchard, Candace
Field, William
Hamm, Christine
Langlais, Thomas
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
Foose, Robert
Kennedy, Richard
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Charron, Gene
Dumaine, Dudley
Griffin, Mary
Katsakiores, Phyllis
Manning, John
Packard, Sherman
Robertson, Carl
Winchell, George

Asselin, Michael
Cady, Harriet
Coburn, James
Fesh, Bob
Hughes, Daniel
Langley, Jane
Moody, Marcia
Pantelakos, Laura
Rolston, James

Belanger, Ronald
Cali-Pitts, Jacqueline
Dowd, John
Flockhart, Eileen
Ingram, Russell
Lund, Howie
Norelli, Terie
Powers, James
Splaine, James

Bettencourt, David
Carson, Sharon
Doyle, Christopher
Gilbert, Karl
Katsakiores, George
Major, Norman
Nowe, Ronald
Quandt, Marshall Lee
Welch, David

STRAFFORD

Berube, Roger
Callaghan, Frank

Brown, Jennifer
Cilley, Jacalyn

Brown, Julie
Creteau, Irene

Brown, Lawrence
Domingo, Baldwin

Dunlap, Patricia
Hofemann, Roland
Knowles, William
Schmidt, Peter

Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Grassie, Anne
Kaen, Naida
Newton, Clifford
Spang, Judith

Heon, Richard
Keans, Sandra
Rollo, Michael
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
and the motion failed.

Donovan, Thomas
Irish, Christopher

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Prichard, Stephen

Rep. Hall moved Inexpedient to Legislate.

Motion adopted.

HB 657-FN-L, relative to promoting community revitalization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Theberge for Municipal and County Government: The intent of this bill is to enable a municipality to grant short-term property tax relief as another economic tool to enhance the downtown areas. This bill allows municipalities to grant an owner of a building in a designated village center area of the municipality to apply for tax relief while improving the structure. The cost of the improvement must be at least \$75,000. The initial tax relief will be in the form of freezing the property assessment at its current value for the duration of the improvement not to exceed five years. At the expiration of the relief period, the building will then be assessed at the improved value. If the improvement results in new residential units or has historical or cultural features, the tax relief may be extended after the initial five years. Once the governing body of the municipality receives the application, it shall hold a public hearing on the matter. Tax relief for a qualifying structure shall be effective when the governing body finds that the structure in question will be (1) a public benefit. (2) the property owner agrees to a covenant granted to the municipality, and (3) the proposed use of the structure after rehabilitation is consistent with the master plan of the municipality. The covenant shall include precise terms and duration of the tax relief as well as those requirements of the owner to maintain the building at a certain level for a set timeframe. If the owner of the building fails to follow the terms of the covenant or other requirements, the governing body of the municipality shall assess all taxes to the owner as though no tax relief was granted. Vote 15-0.

Amendment (0039h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter: Community Revitalization Tax Relief Incentive. Amend RSA by inserting after chapter 79-D the following new chapter:

CHAPTER 79-E

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

79-E:1 Declaration of Public Benefit.

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential and municipal uses in a more compact pattern, in accordance with RSA 9-B.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures as defined in this chapter.

79-E:2 Definitions. In this chapter:

I. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter.

II. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less.

III. "Tax relief" means that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

IV. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program

I. Any city or town may adopt the provisions of this chapter by voting whether to accept for consideration requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

79-E:4 Community Revitalization Tax Relief Incentive.

I. An owner of a qualifying structure who intends to substantially rehabilitate such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation, any changes in use of the property resulting from the rehabilitation, and an application fee.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether the proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV.(a) The governing body may grant the tax relief, provided:

(1) The governing body finds a public benefit under RSA 79-E:7; and

(2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

79-E:5 Duration of Tax Relief Period.

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

II. The governing body may in its discretion add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may in its discretion add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing

on the National Register of Historic Places, state register of historic places, or is located within and important to locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

79-E:6 Resumption of Full Tax Liability. Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

79-E:7 Public Benefit. The proposed substantial rehabilitation must provide at least one of the following public benefits in order to qualify for tax relief under this chapter:

I. It enhances the economic vitality of the downtown

II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context an historic district, town center, or village center in which the building is located;

III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or

IV. It increases residential housing in urban or town centers.

79-E:8 Covenant to Protect Public Benefit.

I. Tax relief for the substantial rehabilitation of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition or damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty.

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collection of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

79-E:10 Lien for Unpaid Taxes. The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

79-E:11 Enforcement. All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80:1 – 80:42-a.

79-E:12 Rulemaking. The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

79-E:13 Extent of Tax Relief.

I. Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

II. Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter.

79-E:14 Other Programs. The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

Rep. Hughes spoke against.

Rep. Theberge spoke in favor.

Rep. Kurk spoke against and yielded to questions.

Rep. Patten spoke in favor and yielded to questions.

Rep. Hughes requested a roll call; sufficiently seconded.

YEAS 219 NAYS 111

YEAS 219

BELKNAP

Boyce, Laurie	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Knox, J David	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

GRAFTON

Almy, Susan	Benn, Bernard	Cooney, Mary	Dorsett, Andrew
Hammond, Lee	Harding, A Laurie	Ingbreton, Paul	Maybeck, Margie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Allan, Nelson	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brundige, Robert	Campbell, David	Chase, Claudia	Christiansen, Lars
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Crane, Elenore Casey	DeVries, Betsi	Dyer, Donald	Essex, David

Francoeur, Bea
Haley, Robert
Hinkle, Peyton
Jean, Claudette
Lasky, Bette
Martin, Mary Ellen
O'Brien, William
Price, Pamela
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Francis

Gargas, Carolyn
Hansen, Ryan
Holden, Randolph
Johnson, Paula
Lawrence, James
Matarazzo, Anthony Sr
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Sullivan, Peter

Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
Messier, Irene
Pappas, Christopher
Renzullo, Andrew
Schulze, Joan
Slocum, Lee
Velez, Hector

Graham, John
Hawkins, Ken
Jasper, Shawn
L'Heureux, Robert
Lessard, Rudy
Movsesian, Lori
Pilotte, Maurice
Rochette, Eric
Shattuck, Gilman
Smith, David

MERRIMACK

Blanchard, Elizabeth
Danforth, James
French, Barbara
Hess, David
MacKay, James
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

Bouchard, Candace
DeJoie, John
Gile, Mary
Kidder, David
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
L'Heureux, Stephen
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Clarke, Claire
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Owen, Derek
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cady, Harriet
Charron, Gene
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Moody, Marcia
Powers, James
Splaine, James

Allen, Mary
Cali-Pitts, Jacqueline
Coburn, James
Dumaine, Dudley
Francoeur, Sheila
Katsakiores, George
Norelli, Terie
Rausch, James
Stone, Joseph

Bridle, Russell
Carson, Sharon
Dowd, John
Flanders, John Sr
Garrity, James
Katsakiores, Phyllis
O'Neil, Michael
Rolston, James
Wells, Roger

Buxton, Donald
Casey, Kimberley
Dowling, Patricia
Flockhart, Eileen
Gilbert, Karl
McMahon, Charles
Pantelakos, Laura
Sanders, Elisabeth
Winchell, George

STRAFFORD

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Kaen, Naida
Rous, Emma
Wall, Janet

Brown, Lawrence
Creteau, Irene
Grassie, Anne
Keans, Sandra
Schmidt, Peter

Callaghan, Frank
Domingo, Baldwin
Heon, Richard
Miller, Joseph
Spang, Judith

Chaplin, Duncan
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Irish, Christopher

Donovan, Thomas
Prichard, Stephen

Gale, Harry

NAYS 111

BELKNAP

Clark, Charles
Veazey, John

Nedeau, Stephen
Wendelboe, Fran

Pilliod, James
Whalley, Michael

Rosen, Ralph

CARROLL

Dickinson, Howard

Martin, James

CHESHIRE

Hunt, John

Robertson, Timothy

Sawyer, Sheldon

COOS

None

GRAFTON

Andersen, Gene
Ham, Bonnie

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond

Giuda, Robert

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Carter, Mark
Elliott, Nancy
Ginsburg, Ruth
Hagan, Barbara
Jeudy, Jean
Mead, Robert
Tahir, Saghir
Wheeler, James

Balboni, Michael
Brassard, Paul
Christensen, D L Chris
Emerton, Larry
Golding, William
Hall, Betty
Kurk, Neal
Ober, Lynne
Ulery, Jordan
Wheeler, Robert

Barry, J Gail
Calawa, Leon Jr
Dokmo, Cynthia
Foster, Linda
Gonzalez, Carlos
Hellwig, Steve
Manney, Pamela
Scanlon, Michael
Vaillancourt, Steve

Bergeron, Jean-Guy
Carew, James
Drisko, Richard
Gibson, John
Goyette, Peter Jr
Hirschmann, Keith
McRae, Karen
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Langlais, Thomas

Currier, David
Marple, Richard

Field, William
Maxfield, Roy

Kennedy, Richard
Williams, Robert

ROCKINGHAM

Belanger, Ronald
Cooney, Richard
Hopfgarten, Paul
Johnson, Robert
Major, Norman
Nowe, Ronald
Quandt, Matthew
Waterhouse, Kevin

Bettencourt, David
DiFruscia, Anthony
Hughes, Daniel
Kobel, Rudolph
Manning, John
Palazzo, Frank
Robertson, Carl
Weare, E Albert

Bishop, Franklin
Fesh, Bob
Ingram, Russell
Langley, Jane
Mason, April
Parker, Benjamin
Scamman, Stella
Welch, David

Camm, Kevin
Gould, Kenneth
Itse, Daniel
Lund, Howie
McKinney, Betsy
Quandt, Marshall Lee
Stiles, Nancy
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford

Berube, Roger
Easson, Timothy
Smith, Marjorie

Bickford, David
Hofemann, Roland
Twombly, James

Brown, Julie
Knowles, William

SULLIVAN

Ferland, Brenda

Franklin, Peter

Jillette, Arthur Jr

Rodeschin, Beverly

and the committee amendment was adopted.

Committee report adopted and ordered to third reading.

Reps. Baroody and Mirski declared a conflict of interest and did not participate.

(Deputy Speaker Weyler in the Chair)

SB 104-FN, relative to the tax exemption for water and air pollution control facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the Majority of Municipal and County Government: Currently there is an exemption from the local property tax for any treatment facility, device, appliance or installation that has the effect of reducing, controlling or eliminating any source of water and air pollution. This property tax exemption is granted in RSA 72:12-a. Originally, this exemption was granted in 1971, prior to the Federal clean air and water acts, and was for a specific time of 25 years. This enabled the industry, if a by-product of the facility created pollutants that might affect water or air, to use pollution control devices to help make our water and air cleaner. The application process for this exemption was made to the Department of Environmental Services (DES). A thorough review of the device and the amount of pollution that was controlled was done by DES and a percentage of the value of the device that was eligible for the tax exemption was determined. Then the applicant and the municipality were notified. The statute requires that the local assessor shall appraise the device every year and report that assessment to the Department of Revenue Administration (DRA). In 1996, there was a change in the time period that this exemption would be valid – forever or as

long as the pollution control device was reducing, controlling or eliminating pollution. This amendment changes the time period to "until reimbursement for the investments costs are recovered by accumulation of value through this property tax exemption." A further restriction on this tax exemption was adopted that the exemption "shall not exceed 25 percent of the applicant's total assessed value of the facility at the time of the exemption." We all know that air and water pollution is part of our everyday lives and cleaning up that pollution is a duty and obligation that we all share. That is why we encourage everyone to recycle, reduce and reuse. As with any tax exemption, the other taxpayers in the community pick up the cost of the exemption – whether it is for elderly, veterans or pollution control devices. The difference here is that the municipality has no vote in granting or denying the pollution control device tax exemption. We also all agree that clean air and water benefit everyone in the state, not just the municipality where the device is located. This amendment is intended to bring a balance to the need for clean air and water, businesses and our local taxpayer. The amendment also shifts the requirement for assessing these pollution control devices from the local municipality to the DRA, so that the information gathered is correct and available when decisions regarding the pollution control device tax exemption are needed. The committee is aware that balance is necessary in order to have continued support for businesses to grow and prosper in New Hampshire. Vote 13-3.

Rep. Robert L. Theberge for the Minority of Municipal and County Government: The intent of this legislation was to resolve the on-going dispute which exists between the town of Bethlehem and a privately owned landfill. Although this bill aimed to help municipalities facing fiscal problems by dramatically reducing the amount of tax exemptions from which businesses currently benefit through the investment and installation of pollution control devices, the bill undermines years of good business working relationships between the state and industry. The minority believes that New Hampshire would lose its competitive advantage. By the reduction of tax exemptions, businesses may be forced either to downsize which would create a loss of jobs, increase the number of weeks of downtime, and/or locate to another state having a better tax exemption structure. In essence, any short-term gain will be offset by one or all of the above. The minority is gravely concerned that changes to RSA 72:12-a would negatively impact economic development, jobs and the environment. It was unclear on how the amendment is to be interpreted. As a consequence, this bill may lead to unnecessary litigation.

Majority Amendment (0175h)

Amend the bill by replacing all after the enacting clause with the following:

I Exemption; Water and Air Pollution Control Facilities. Amend RSA 72:12-a to read as follows:
72:12-a Water and Air Pollution Control Facilities.

I. Any person, firm, or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section *until reimbursement for the investment costs are recovered by accumulation of value through this property tax exemption.*

II. The party seeking the exemption shall file an application with the department of environmental services if the exemption sought is for a water pollution control facility or an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. Said application shall describe the facilities and their function or functions and shall state the applicant's total investment therein and the portion allocable to each function, *to be verified by the department of revenue administration. Any such exemption requested shall not exceed 25 percent of the applicant's total assessed value of the facility at the time of the exemption.*

III. The department of environmental services shall investigate and determine whether the purpose of the facility is solely or only partially pollution control. If the department finds that the purpose of the facility is only partially pollution control it shall determine by an allocation of the applicant's investment in the facility what percentage of the facility is used to control pollution. In making its investigation, the department may inspect the facility and request such other information from the applicant as is reasonably necessary to assist it in making its determination.

IV. Upon making its determination, the department of environmental services shall notify the applicant, *the department of revenue administration,* and the taxing authorities of the municipality where the facility is situated whether the purpose of the facility is solely pollution control, or, if not, what percentage of the applicant's investment in the facility should be allocated to pollution control.

V. The ~~[taxing authorities]~~ *department of revenue administration* shall each year separately appraise and describe the facility and related real estate ~~[and cause such appraisal and description]~~ *using the determination approved by the department of environmental services. Such appraisal shall be reported to the local taxing authorities* to appear in their inventory. In accordance with the provisions of this section, the taxing authority shall exempt from the taxes levied under this chapter the appraised value of the facility and any real estate necessary therefor, or the exempt percentage thereof, determined by the department *of environmental services*. The exemption period shall begin as of the April 1 next following the receipt of the ~~[department's]~~ *department of environmental services'* determination. *The department of revenue administration shall keep a record of the total of exemptions granted and shall provide the information to the owner of the facility, the municipality, and the general court annually.*

VI. Either the municipality ~~[or]~~, the owner of the facility, *or the department of revenue administration* may request a rehearing or appeal from such determination in accordance with the provisions of RSA 541.

2 Effective Date. This act shall take effect April 1, 2006.

AMENDED ANALYSIS

This bill limits the property tax exemption for water and pollution control facilities to the reimbursement of the amount of investment costs.

Majority committee amendment failed.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. O'Neil moved that the House reconsider its action whereby it failed to adopt the majority committee amendment on *SB 104-FN*, relative to the tax exemption for water and air pollution control facilities.

On a division vote, 209 members having voted in the affirmative and 113 in the negative, Reconsideration prevailed.

(Speaker Scamman in the Chair)

The question now being adoption of the majority committee amendment on SB 104.

Reps. Slocum and Theberge spoke against.

Rep. Dowd spoke in favor.

Rep. Stohl spoke in favor and yielded to questions.

Rep. King requested a roll call; sufficiently seconded.

YEAS 157 NAYS 182

YEAS 157

BELKNAP

Boyce, Laurie
Rosen, Ralph

Fitzgerald, James
Russell, David

Flanders, Donald
Tobin, William

Nedeau, Stephen
Veazey, John

CARROLL

Babson, David Jr
Morrow, Harry
Stevens, Stanley

Brown, Carolyn
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Chandler, Gene
Philbrick, Donald

CHESHIRE

Butcher, Suzanne
Espiefs, Peter
Tilton, Anna

Butynski, William
Foote, Sheila
Weed, Charles

Chase, William
Pratt, John

Dunn, J Timothy
Richardson, Barbara

COOS

Stohl, Eric

GRAFTON

Aguiar, James
Harding, A Laurie
Nordgren, Sharon

Cooney, Mary
Maybeck, Margie
Sokol, Hilda

Eaton, Stephanie
McLeod, Martha
Solomon, Peter

Hammond, Lee
Mulholland, Catherine
Sorg, Gregory

HILLSBOROUGH

Allan, Nelson
 Brassard, Paul
 Christensen, D L Chris
 DeVries, Betsi
 Gorman, Mary
 Harvey, Suzanne
 Kurk, Neal
 Matarazzo, Anthony Sr
 Renzullo, Andrew
 Shaw, Barbara
 Sullivan, Peter

Baroody, Benjamin
 Brundige, Robert
 Christiansen, Lars
 Dokmo, Cynthia
 Graham, John
 Irwin, Anne-Marie
 Lasky, Bette
 Movsesian, Lori
 Rosenwald, Cindy
 Shaw, Kimberly
 Vaillancourt, Steve

Batula, Peter
 Calawa, Leon Jr
 Clemons, Jane
 Foster, Linda
 Haley, Robert
 Jeudy, Jean
 Lefebvre, Roland
 O'Connell, Timothy
 Schulze, Joan
 Stepanek, Stephen
 Velez, Hector

Beaulieu, Jane
 Chase, Claudia
 Coughlin, Pamela
 Gonzalez, Carlos
 Hall, Betty
 Johnson, Paula
 Martin, Mary Ellen
 Pilotte, Maurice
 Shattuck, Gilman
 Sullivan, Francis
 Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
 Gile, Mary
 Kennedy, Richard
 MacKay, James
 Rush, Deanna
 Tupper, Frank

Clarke, Claire
 Greco, Vincent
 Kidder, David
 McMahon, Patricia
 Ryan, Jim
 Wallner, Mary Jane

DeJoie, John
 Hager, Elizabeth
 Klose, John
 Potter, Frances
 Shurtleff, Stephen
 Walz, Mary Beth

French, Barbara
 Hamm, Christine
 Lockwood, Priscilla
 Reed, Dennis
 Tilton, Joy
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
 DiFruscia, Anthony
 Fesh, Bob
 Headd, James
 Katsakiores, Phyllis
 Packard, Sherman
 Stone, Joseph

Buxton, Donald
 Dowd, John
 Flockhart, Eileen
 Hughes, Daniel
 Langley, Jane
 Parker, Benjamin
 Waterhouse, Kevin

Carson, Sharon
 Dowling, Patricia
 Forsing, Robert
 Johnson, Robert
 McKinney, Betsy
 Powers, James
 Weyler, Kenneth

Casey, Kimberley
 Dumaine, Dudley
 Gould, Kenneth
 Katsakiores, George
 McMahon, Charles
 Rausch, James

STRAFFORD

Albert, Russell
 Cilley, Jacalyn
 Knowles, William
 Schmidt, Peter
 Wall, Janet

Berube, Roger
 Grassie, Anne
 Miller, Joseph
 Smith, Marjorie

Brown, Jennifer
 Hofemann, Roland
 Rollo, Michael
 Taylor, Kathleen

Brown, Lawrence
 Johnson, Nancy
 Rous, Emma
 Twombly, James

SULLIVAN

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda

Franklin, Peter

Gale, Harry

NAYS 182**BELKNAP**

Clark, Charles
 Thomas, John

Heald, Bruce
 Tilton, Franklin

Morrison, Gail
 Wendelboe, Fran

Pilliod, James
 Whalley, Michael

CARROLL

Ahlgren, Christopher
 McConkey, Mark

Dickinson, Howard

Knox, J David

Martin, James

CHESHIRE

Coates, Christopher
 Hunt, John
 Plika, Stanley Jr

Dexter, Judson
 Mitchell, Bonnie
 Roberts, Kris

Emerson, Susan
 Parkhurst, Henry
 Robertson, Timothy

Hogancamp, Deborah
 Pelkey, Stephen
 Sawyer, Sheldon

COOS

Buzzell, Bernard
 Merrick, Scott
 Tholl, John Jr

King, Frederick
 Remick, William

Lary, Bruce
 Richardson, Herbert

Mears, Edgar
 Theberge, Robert

GRAFTON

Almy, Susan
Gionet, Edmond

Andersen, Gene
Giuda, Robert

Benn, Bernard
Ingretson, Paul

Dorsett, Andrew
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Bergin, Peter
Carew, James
Crane, Elenore Casey
Elliott, Nancy
Gargas, Carolyn
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Mead, Robert
Pappas, Christopher
Ryder, Donald
Tahir, Saghir

Balboni, Michael
Biundo, Michael
Carter, Mark
Desmarais, Vivian
Emerton, Larry
Gibson, John
Hagan, Barbara
Hinkle, Peyton
Jean, Claudette
Lessard, Rudy
Messier, Irene
Price, Pamela
Scanlon, Michael
Ulery, Jordan

Barry, J Gail
Boehm, Ralph
Cote, David
Drisko, Richard
Essex, David
Ginsburg, Ruth
Hansen, Ryan
Hirschmann, Keith
Kopka, Angeline
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee
Villeneuve, Maurice

Bergeron, Jean-Guy
Campbell, David
Cote, Peter
Dyer, Donald
Francoeur, Bea
Golding, William
Hawkins, Ken
Holden, Randolph
L'Heureux, Robert
McRae, Karen
Ober, Lynne
Rochette, Eric
Smith, David
Wheeler, James

MERRIMACK

Anderson, Eric
DeStefano, Stephen
L'Heureux, Stephen
Osborne, Jessie
Williams, Robert

Bouchard, Candace
Field, William
Langlais, Thomas
Owen, Derek

Brueggemann, Donald
Foose, Robert
Marple, Richard
Reardon, Tara

Currier, David
Hess, David
Maxfield, Roy
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Camm, Kevin
Donahue, Richard Ken
Garrity, James
Ingram, Russell
Major, Norman
Norelli, Terie
Pantelakos, Laura
Rolston, James
Stiles, Nancy
Winchell, George

Asselin, Michael
Bridle, Russell
Charron, Gene
Doyle, Christopher
Gilbert, Karl
Itse, Daniel
Manning, John
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Weare, E Albert

Belanger, Ronald
Cady, Harriet
Coburn, James
Flanders, John Sr
Griffin, Mary
Kobel, Rudolph
Mason, April
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Welch, David

Bettencourt, David
Cali-Pitts, Jacqueline
Cooney, Richard
Francoeur, Sheila
Hopfgarten, Paul
Lund, Howie
Moody, Marcia
Palazzo, Frank
Robertson, Carl
Splaine, James
Wells, Roger

STRAFFORD

Bickford, David
Cataldo, Sam
Dunlap, Patricia
Kaen, Naida

Brown, Julie
Chaplin, Duncan
Easson, Timothy
Keans, Sandra

Callaghan, Frank
Creteau, Irene
Goodwin, Earle
Newton, Clifford

Campbell, W Packy
Domingo, Baldwin
Heon, Richard
Spang, Judith

SULLIVAN

Cloutier, John
Prichard, Stephen

Converse, Larry
Rodeschin, Beverly

Irish, Christopher

Phiniza, James

and majority committee amendment (0175h) failed.

The question now being adoption of the motion of Ought to Pass.

Reps. Stohl and Patten spoke against.

Rep. Phiniza spoke in favor.

The motion failed.

Rep. Patten moved Inexpedient to Legislate.

Rep. King requested a roll call; sufficiently seconded.

YEAS 322 NAYS 17**YEAS 322****BELKNAP**

Boyce, Laurie
Heald, Bruce
Rosen, Ralph
Tobin, William

Clark, Charles
Morrison, Gail
Russell, David
Veazey, John

Fitzgerald, James
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Philbrick, Donald

Babson, David Jr
Dickinson, Howard
Morrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Butcher, Suzanne
Dexter, Judson
Hogancamp, Deborah
Pelkey, Stephen
Roberts, Kris

Butynski, William
Dunn, J Timothy
Hunt, John
Plika, Stanley Jr
Robertson, Timothy

Chase, William
Emerson, Susan
Mitchell, Bonnie
Pratt, John
Tilton, Anna

Coates, Christopher
Foote, Sheila
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard
Merrick, Scott
Theberge, Robert

King, Frederick
Remick, William
Tholl, John Jr

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

GRAFTON

Aguiar, James
Dorsett, Andrew
Hammond, Lee
Mulholland, Catherine
Sorg, Gregory

Andersen, Gene
Eaton, Stephanie
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Benn, Bernard
Gionet, Edmond
Ingbretsen, Paul
Sokol, Hilda

Cooney, Mary
Giuda, Robert
Maybeck, Margie
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Bergin, Peter
Brundige, Robert
Carter, Mark
Cote, David
Desmarais, Vivian
Dyer, Donald
Foster, Linda
Ginsburg, Ruth
Goyette, Peter Jr
Hall, Betty
Hellwig, Steve
Irwin, Anne-Marie
Johnson, Paula
Lasky, Bette
Martin, Amy Ellen
Messier, Irene
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Shattuck, Gilman
Smith, David
Ulery, Jordan
Wheeler, James

Allan, Nelson
Batula, Peter
Biundo, Michael
Calawa, Leon Jr
Chase, Claudia
Cote, Peter
DeVries, Betsi
Elliott, Nancy
Francoeur, Bea
Golding, William
Graham, John
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
Kopka, Angeline
Lawrence, James
Matarazzo, Anthony Sr
Movsesian, Lori
Pappas, Christopher
Renzullo, Andrew
Ryder, Donald
Shaw, Barbara
Stepanek, Stephen
Vaillancourt, Steve
Wheeler, Robert

Balboni, Michael
Beaulieu, Jane
Boehm, Ralph
Campbell, David
Christensen, D L Chris
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Gargas, Carolyn
Gonzalez, Carlos
Hagan, Barbara
Harvey, Suzanne
Hirschmann, Keith
Jean, Claudette
Kurk, Neal
Lessard, Rudy
McRae, Karen
O'Brien, William
Pilotte, Maurice
Rochette, Eric
Scanlon, Michael
Shaw, Kimberly
Sullivan, Francis
Velez, Hector

Baroody, Benjamin
Bergeron, Jean-Guy
Brassard, Paul
Carew, James
Christiansen, Lars
Crane, Elenore Casey
Drisko, Richard
Essex, David
Gibson, John
Gorman, Mary
Haley, Robert
Hawkins, Ken
Holden, Randolph
Judy, Jean
L'Heureux, Robert
Manney, Pamela
Mead, Robert
O'Connell, Timothy
Price, Pamela
Rosenwald, Cindy
Schulze, Joan
Slocum, Lee
Tahir, Saghir
Villeneuve, Maurice

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Reed, Dennis	Rush, Deanna	Tilton, Joy	Tupper, Frank
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Norelli, Terie
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Jennifer
Brown, Julie	Brown, Lawrence	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Grassie, Anne	Heon, Richard	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Spang, Judith
Twombly, James	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher	Prichard, Stephen
Rodeschin, Beverly			

NAYS 17**BELKNAP**

None

CARROLL

None

CHESHIRE

Espieffs, Peter

Sawyer, Sheldon

COOS

None

GRAFTON

Almy, Susan

McLeod, Martha

HILLSBOROUGH

Clemons, Jane

Sullivan, Peter

MERRIMACK

DeJoie, John

Kennedy, Richard

Ryan, Jim

Shurtleff, Stephen

Wallner, Mary Jane

ROCKINGHAM

DiFruscia, Anthony

STRAFFORD

Miller, Joseph

Smith, Marjorie

Taylor, Kathleen

SULLIVAN

Ferland, Brenda

Phinizy, James

and the motion was adopted.

The House recessed at 12:20 p.m.

RECESS**(Speaker Scamman in the Chair)**

The House reconvened at 1:20 p.m.

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENT**

HB 1402, establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use, and establishing a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land. (Amendment printed SJ 02/02/06)

Rep. Currier moved that the House concur.

Rep. O'Neil spoke in favor.

Adopted.

REGULAR CALENDAR**SPECIAL ORDERS (CONT'D.)**

HB 162, establishing boating speed limits for Lake Winnepesaukee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis F. Abbott for the Majority of Resource, Recreation and Development: This bill, as amended, establishes a speed limit on all state waters, provides for violations to be included in a person's driving record, and provides for enforcement of a "reasonable and prudent" standard of boat operation. This bill was introduced relative to Lake Winnepesaukee but it was agreed by most of the committee that applying it only to that lake could have the unintended consequence of unfairly diverting the speed problem to other public waters in the state. The bill also allows for public safety exceptions and approved and sanctioned races. Furthermore, a recent survey indicated a vast majority of New Hampshire residents favor a speed limit on all the state's waterways. In addition to the initial hearing, the committee held three public hearings in the Lakes Region over the summer, attended by upwards of a thousand individuals. In addition, the committee received hundreds of letters and petitions from citizens. The committee then conducted four additional meetings, solicited additional testimony and discussed and debated the issue in an attempt to reach the consensus that has been the hallmark of the committee during the past year. There was unanimous agreement that there is a serious problem on our public waters with real or perceived threats to the safety and enjoyment of a large number of individuals and families. The committee explored and debated various solutions including further education, better enforcement, a variety of speed limits, more discretion for marine patrol officers, and limiting high speeds to

specific areas or times. The majority of the committee rejected the idea of merely applying a "reasonable and prudent" standard to speed enforcement because it would be confusing and unenforceable without a specific speed limit. Further, it would have little or no effect on boating safety. Expert testimony indicated that speed limits are enforceable, while the very low number of citations for "reckless operation" provide evidence that standards based on officer discretion are seldom used. In RSA 270:1 (II) the legislature states "...it is hereby declared that the public waters of New Hampshire shall be maintained and regulated in such a way as to provide for the safe and mutual enjoyment of a variety of uses, both from the shore and from water-borne conveyances." The testimony of hundreds of residents, visitors, businesses and camp directors indicated that many do not feel this policy is being carried out satisfactorily. This is gradually undermining the desirability of New Hampshire as a safe place for individuals and especially families to recreate. Our public waters are reaching the point where there are just too many recreationists of all types to safely accommodate high speeds. In order to effectively enact the legislative policy, the time has come for New Hampshire to impose a reasonable speed limit on our waters. Vote 11-10.

Rep. D. L. Chris Christensen for the Minority of Resources, Recreation and Development: The key difference between the majority amendment and the minority amendment is that the majority wants an arbitrary 45mph day/25mph night speed limit on all New Hampshire waterways. The minority finds that the arbitrary speed limit is the wrong solution to a perceived problem. Consider this: Tourism is up. Boat registrations are up. Boating accidents have gone down over the last five years since mandatory safety education was introduced. No evidence was presented to the committee showing that speed limits have improved water safety records anywhere. Law enforcement officials testified that speed limits will be difficult to enforce and the public opinion was split. State Police and Marine Patrol. We have two separate and distinct organizations because they face different tasks and operate in different environments. Traffic on the highway travels in one direction, mostly at similar speeds, in similar vehicles. Boats travel in all directions with a variety of speeds. Motor vehicle right-of-way is controlled by signs and traffic lanes. Boat right-of-way is controlled by navigation rules. There is no comparison. The minority looks to the Coast Guard for unbiased expertise. Speed should be reasonable and prudent for existing conditions, without using an arbitrary number. This is the approach used by the United States Coast Guard for inland waters. Other states reference Coast Guard regulations as their benchmark. The minority is sensitive to those who testified that they are scared to go out on the lakes. New Hampshire's waterways should be open to everyone. However, none of the incidents described would have been eliminated by the majority's proposed speed limit. Better enforcement of current laws and stricter penalties for violators are the solutions that the minority of the committee, most of whom are avid and experienced boaters, bring forward in the minority amendment.

Majority Amendment (0057h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to general rules for vessels operating on water.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; General Rules for Vessels Operating on Water. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraphs:

X.(a) No person shall operate a vessel at a speed greater than is reasonable and prudent under the existing conditions and without regard for the actual and potential hazards then existing. In all cases, speed shall be controlled so that the operator will be able to avoid endangering or colliding with any person, vessel, object, or shore.

(b) Where no hazard exists that requires lower speed for compliance with subparagraph (a), the speed of any vessel in excess of the limit specified in this subparagraph shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) 25 miles per hour during the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

(2) 45 miles per hour at any other time.

(c) The speed limitations set forth in subparagraph (b) shall not apply to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

(d) The speed limitations set forth in subparagraph (b) shall not apply to boat racing permitted under RSA 270:27.

XI. Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes general speed limitations for vessels. This bill also requires that violations of the general rules for vessels operating on water become a part of the motor vehicle driving record of the person convicted.

MOTION TO LIMIT DEBATE

Rep. Barry moved that debate on *HB 162*, establishing boating speed limits for Lake Winnepesaukee, be limited to 20 minutes each side, including questions.

Rep. Vaillancourt amended the motion to allow 60 minutes each side, including questions.

The Speaker announced a roll call vote.

YEAS 76 NAYS 233

YEAS 76

BELKNAP

Whalley, Michael

CARROLL

Babson, David Jr

CHESHIRE

Allen, Peter
Roberts, Kris

Espiefs, Peter
Weed, Charles

Parkhurst, Henry

Pratt, John

COOS

Merrick, Scott

GRAFTON

Aguiar, James
Harding, A Laurie

Benn, Bernard
Mulholland, Catherine

Cooney, Mary
Solomon, Peter

Giuda, Robert

HILLSBOROUGH

Allan, Nelson
Christensen, D L Chris
Craig, James
Kurk, Neal
Rowe, Robert
Vaillancourt, Steve

Baroody, Benjamin
Christiansen, Lars
Gibson, John
Lasky, Bette
Ryder, Donald

Beaulieu, Jane
Clemons, Jane
Goyette, Peter Jr
Messier, Irene
Schulze, Joan

Carter, Mark
Cote, David
Hall, Betty
Renzullo, Andrew
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Hamm, Christine
Rush, Deanna
Tupper, Frank

Clarke, Claire
Hess, David
Ryan, Jim
Wallner, Mary Jane

DeJoie, John
L'Heureux, Stephen
Shurtleff, Stephen

Foose, Robert
Osborne, Jessie
Tilton, Joy

ROCKINGHAM

DiFruscia, Anthony
Powers, James

Doyle, Christopher
Splaine, James

Moody, Marcia
Welch, David

Norelli, Terie
Wells, Roger

STRAFFORD

Brown, Jennifer
Hofemann, Roland
Schmidt, Peter

Cilley, Jacalyn
Keans, Sandra
Taylor, Kathleen

Creteau, Irene
Miller, Joseph
Twombly, James

Domingo, Baldwin
Newton, Clifford

SULLIVAN

Cloutier, John
Phinizy, James

Converse, Larry
Prichard, Stephen

Ferland, Brenda

Franklin, Peter

NAYS 233**BELKNAP**

Boyce, Laurie
Heald, Bruce
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin

Flanders, Donald
Rosen, Ralph
Tobin, William

CARROLL

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Morrow, Harry
Stevens, Stanley

CHESHIRE

Butcher, Suzanne
Dexter, Judson
Hogancamp, Deborah
Robertson, Timothy

Butynski, William
Dunn, J Timothy
Mitchell, Bonnie
Sawyer, Sheldon

Chase, William
Emerson, Susan
Plifka, Stanley Jr
Tilton, Anna

Coates, Christopher
Foote, Sheila
Richardson, Barbara

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Mears, Edgar
Theberge, Robert

Remick, William
Tholl, John Jr

GRAFTON

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Andersen, Gene
Ingbretson, Paul
Sokol, Hilda

Eaton, Stephanie
Maybeck, Margie
Sorg, Gregory

Gionet, Edmond
McLeod, Martha
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Chase, Claudia
Dokmo, Cynthia
Essex, David
Golding, William
Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Matarazzo, Anthony Sr
Movsesian, Lori
Pappas, Christopher
Rochette, Eric
Shaw, Kimberly
Tahir, Saghir
Wheeler, James

Balboni, Michael
Bergin, Peter
Calawa, Leon Jr
Cote, Peter
Drisko, Richard
Foster, Linda
Gonzalez, Carlos
Haley, Robert
Hirschmann, Keith
Jean, Claudette
Lawrence, James
McRae, Karen
O'Brien, William
Pilotte, Maurice
Rosenwald, Cindy
Slocum, Lee
Ulery, Jordan

Barry, J Gail
Biundo, Michael
Campbell, David
Coughlin, Pamela
Dyer, Donald
Gargas, Carolyn
Gorman, Mary
Hawkins, Ken
Infantine, William
Judy, Jean
Lessard, Rudy
Mead, Robert
O'Connell, Timothy
Price, Pamela
Shattuck, Gilman
Smith, David
Velez, Hector

Batula, Peter
Brassard, Paul
Carew, James
Desmarais, Vivian
Emerton, Larry
Ginsburg, Ruth
Graham, John
Hellwig, Steve
Irwin, Anne-Marie
Kopka, Angeline
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Shaw, Barbara
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Field, William
Kidder, David
MacKay, James
Owen, Derek
Yeaton, Charles

Blanchard, Elizabeth
French, Barbara
Klose, John
Marple, Richard
Potter, Frances

Brueggemann, Donald
Gile, Mary
Langlais, Thomas
Maxfield, Roy
Reed, Dennis

Currier, David
Kennedy, Richard
Lockwood, Priscilla
McMahon, Patricia
Williams, Robert

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cady, Harriet	Camm, Kevin	Cærson, Sharon	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Donahue, Richard Ken
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin
Rausch, James	Robertson, Carl	Rolston, James	Sanders, Elisabeth
Scamman, Stella	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Knowles, William	Rollo, Michael	Rous, Emma
Smith, Marjorie	Spang, Judith	Wall, Janet	

SULLIVAN

Donovan, Thomas	Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher
Rodeschin, Beverly			
and the motion failed.			

The question now being adoption of the motion to limit debate to 20 minutes each side, including questions.

Rep. Pratt requested a roll call; sufficiently seconded.

YEAS 190 NAYS 133**YEAS 190****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John		

CARROLL

Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie
Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		

COOS

King, Frederick	Lary, Bruce	Mears, Edgar	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Hammond, Lee	Ingbreton, Paul
Maybeck, Margie	Mulholland, Catherine	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Campbell, David
Carew, James	Cote, Peter	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Gonzalez, Carlos	Graham, John	Haley, Robert	Hawkins, Ken
Hinkle, Peyton	Jasper, Shawn	Jean, Claudette	Jeady, Jean
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Michon, Stephen	Mooney, Maureen
Movsesian, Lori	O'Brien, William	Ober, Lynne	Pappas, Christopher
Pilote, Maurice	Reeves, Sandra	Shattuck, Gilman	Shaw, Barbara
Slocum, Lee	Stepanek, Stephen	Ulery, Jordan	Velez, Hector
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Blanchard, Elizabeth	Brueggemann, Donald	Field, William	Hamm, Christine
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Potter, Frances	Reed, Dennis	Williams, Robert	

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Buxton, Donald	Charron, Gene	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Dumaine, Dudley	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Garrity, James	Gilbert, Karl	Gould, Kenneth
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Manning, John	Mason, April
McKinney, Betsy	McMahon, Charles	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Weyler, Kenneth	Winchell, George		

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Johnson, Nancy
Knowles, William	Rous, Emma	Spang, Judith	Wall, Janet

SULLIVAN

Donovan, Thomas	Gale, Harry	Irish, Christopher	Rodeschin, Beverly
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NAYS 133**BELKNAP**

Wendelboe, Fran	Whalley, Michael
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CARROLL

Babson, David Jr	Chandler, Gene
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CHESHIRE

Allen, Peter	Dexter, Judson	Dunn, J Timothy	Espiefs, Peter
Hunt, John	Parkhurst, Henry	Pratt, John	Roberts, Kris
Weed, Charles			

COOS

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Nordgren, Sharon

Almy, Susan
Giuda, Robert
Sokol, Hilda

Andersen, Gene
Harding, A Laurie
Solomon, Peter

Benn, Bernard
McLeod, Martha

HILLSBOROUGH

Balboni, Michael
Chase, Claudia
Cote, David
Emerton, Larry
Hagan, Barbara
Holden, Randolph
Kopka, Angeline
Messier, Irene
Rochette, Eric
Schulze, Joan
Sullivan, Peter

Baroody, Benjamin
Christensen, D L Chris
Coughlin, Pamela
Gibson, John
Hall, Betty
Infantine, William
Kurk, Neal
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Kimberly
Tahir, Saghir

Beaulieu, Jane
Christiansen, Lars
Craig, James
Gorman, Mary
Hellwig, Steve
Irwin, Anne-Marie
Lasky, Bette
Price, Pamela
Rowe, Robert
Smith, David
Vaillancourt, Steve

Carter, Mark
Clemons, Jane
Desmarais, Vivian
Goyette, Peter Jr
Hirschmann, Keith
Johnson, Paula
Mead, Robert
Renzullo, Andrew
Ryder, Donald
Sullivan, Francis

MERRIMACK

Anderson, Eric
DeJoie, John
Hess, David
Owen, Derek
Tilton, Joy

Bouchard, Candace
Foose, Robert
Kennedy, Richard
Rush, Deanna
Tupper, Frank

Clarke, Claire
French, Barbara
L'Heureux, Stephen
Ryan, Jim
Wallner, Mary Jane

Currier, David
Gile, Mary
Osborne, Jessie
Shurtleff, Stephen
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Camm, Kevin
Cooney, Richard
Francoeur, Sheila
Norelli, Terie
Splaine, James

Bettencourt, David
Carson, Sharon
DiFruscia, Anthony
Itse, Daniel
Nowe, Ronald
Welch, David

Bridle, Russell
Casey, Kimberley
Doyle, Christopher
Major, Norman
Powers, James
Wells, Roger

Cady, Harriet
Coburn, James
Fesh, Bob
Moody, Marcia
Quandt, Matthew

STRAFFORD

Bickford, David
Easson, Timothy
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Hofemann, Roland
Newton, Clifford
Taylor, Kathleen

Creteau, Irene
Kaen, Naida
Rollo, Michael
Twombly, James

Domingo, Baldwin
Keans, Sandra
Schmidt, Peter

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Phinizz, James

Ferland, Brenda
Prichard, Stephen

Franklin, Peter

and the motion was adopted.

Rep. Griffin did not vote and notified the Clerk that she wished to be recorded in favor.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. MacKay moved that the House reconsider its action whereby it adopted the motion to limit debate on **HB 162**, establishing boating speed limits for Lake Winnepesaukee, to 20 minutes each side, including questions.

Rep. Hess spoke in favor.

On a division vote, 201 members having voted in the affirmative and 124 in the negative, Reconsideration prevailed.

The question now being shall debate on HB 162 be limited to 20 minutes each side, including questions.

Motion failed.

MOTION TO LAY ON THE TABLE

Rep. Rodeschin moved that **HB 162**, establishing boating speed limits for Lake Winnepesaukee, be laid on the table.

Rep. Gibson requested a roll call; sufficiently seconded.

YEAS 140 NAYS 198

**YEAS 140
BELKNAP**

Clark, Charles	Russell, David	Thomas, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Brown, Carolyn	Buco, Thomas	Chandler, Gene	McConkey, Mark
Morrow, Harry			

CHESHIRE

Coates, Christopher	Dexter, Judson	Hunt, John	Mitchell, Bonnie
Pelkey, Stephen	Sawyer, Sheldon		

COOS

Mears, Edgar	Richardson, Herbert
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GRAFTON

Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Maybeck, Margie
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HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr	Carter, Mark
Christiansen, Lars	Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey
DeVries, Betsi	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gibson, John	Golding, William	Gonzalez, Carlos
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith
Holden, Randolph	Lessard, Rudy	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Marple, Richard
Maxfield, Roy	Reed, Dennis		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bicknell, Elbert	Bridle, Russell
Cady, Harriet	Camm, Kevin	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Donahue, Richard Ken	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Francoeur, Sheila	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Kobel, Rudolph	Lund, Howie
Major, Norman	Manning, John	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Quandt, Marshall Lee	Rausch, James	Rolston, James
Sanders, Elisabeth	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weyler, Kenneth	Winchell, George	

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Cataldo, Sam	Domingo, Baldwin	Easson, Timothy	Heon, Richard
Knowles, William	Twombly, James		

SULLIVAN

Ferland, Brenda	Gale, Harry	Irish, Christopher	Prichard, Stephen
Rodeschin, Beverly			

NAYS 198**BELKNAP**

Boyce, Laurie	Fitzgerald, James	Flanders, Donald	Heald, Bruce
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Tilton, Franklin	Tobin, William	Veazey, John

CARROLL

Babson, David Jr	Dickinson, Howard	Knox, J David	Martin, James
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

King, Frederick	Lary, Bruce	Merrick, Scott	Remick, William
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Beaulieu, Jane	Brassard, Paul	Campbell, David
Carew, James	Chase, Claudia	Christensen, D L Chris	Clemons, Jane
Cote, David	Craig, James	Desmarais, Vivian	Dokmo, Cynthia
Dyer, Donald	Essex, David	Foster, Linda	Gargas, Carolyn
Ginsburg, Ruth	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Hinkle, Peyton	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Judy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Lefebvre, Roland	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Renzullo, Andrew	Rochette, Eric	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Slocum, Lee	Smith, David
Sullivan, Francis	Sullivan, Peter	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kennedy, Richard	Kidder, David	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Bettencourt, David	Bishop, Franklin
Buxton, Donald	Carson, Sharon	Casey, Kimberley	Charron, Gene

Dowd, John
Gilbert, Karl
Katsakiores, Phyllis
Norelli, Terie
Scamman, Stella

Dowling, Patricia
Gould, Kenneth
Langley, Jane
Palazzo, Frank
Splaine, James

Flockhart, Eileen
Headd, James
Mason, April
Powers, James
Stiles, Nancy

Forsing, Robert
Katsakiores, George
Moody, Marcia
Robertson, Carl
Wells, Roger

STRAFFORD

Brown, Jennifer
Chaplin, Duncan
Grassie, Anne
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Cilley, Jacalyn
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Wall, Janet

Callaghan, Frank
Creteau, Irene
Johnson, Nancy
Newton, Clifford
Smith, Marjorie

Campbell, W Packy
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
and the motion failed.

Converse, Larry
Phinzy, James

Donovan, Thomas

Franklin, Peter

The question now being adoption of the majority committee amendment.
Reps. Chris Christensen, Russell, Ferland and Merrow spoke against.
Reps. Pilliod, Abbott, and Spang spoke in favor.
Rep. Daniel Eaton spoke against and yielded to questions.
Rep. Dickinson spoke in favor.

(Deputy Speaker Weyler in the Chair)

Rep. Dickinson requested a roll call; sufficiently seconded.

YEAS 185 NAYS 153

YEAS 185

BELKNAP

Fitzgerald, James
Nedeau, Stephen
Tobin, William

Heald, Bruce
Pilliod, James
Veazey, John

Millham, Alida
Rosen, Ralph

Morrison, Gail
Tilton, Franklin

CARROLL

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

Knox, J David
Philbrick, Donald

Martin, James
Stevens, Stanley

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Espieffs, Peter
Parkhurst, Henry
Roberts, Kris

Butynski, William
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Hogancamp, Deborah
Pratt, John
Tilton, Anna

COOS

Lary, Bruce

Merrick, Scott

Remick, William

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
McLeod, Martha
Solomon, Peter

Almy, Susan
Ham, Bonnie
Mulholland, Catherine
Williams, Burton

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Allan, Nelson
Brassard, Paul
Cote, David

Batula, Peter
Campbell, David
Craig, James

Beaulieu, Jane
Chase, Claudia
Dokmo, Cynthia

Bergin, Peter
Clemons, Jane
Drisko, Richard

Dyer, Donald
Ginsburg, Ruth
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
O'Connell, Timothy
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis

Essex, David
Gorman, Mary
Jean, Claudette
Lasky, Bette
Messier, Irene
Pappas, Christopher
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Foster, Linda
Hall, Betty
Judy, Jean
Lefebvre, Roland
Michon, Stephen
Pilotte, Maurice
Ryder, Donald
Shaw, Kimberly
Velez, Hector

Gargas, Carolyn
Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Movsesian, Lori
Renzullo, Andrew
Schulze, Joan
Smith, David
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Hager, Elizabeth
Lockwood, Priscilla
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
Foote, Robert
Hamm, Christine
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
French, Barbara
Hess, David
Owen, Derek
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
Gile, Mary
Kidder, David
Potter, Frances
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Charron, Gene
Flanders, John Sr
Johnson, Robert
McKinney, Betsy
Pantelakos, Laura
Scamman, Stella
Wells, Roger

Bishop, Franklin
Cooney, Richard
Flockhart, Eileen
Kobel, Rudolph
Moody, Marcia
Powers, James
Splaine, James

Buxton, Donald
DiFrancia, Anthony
Gould, Kenneth
Langley, Jane
Norelli, Terie
Robertson, Carl
Stiles, Nancy

Casey, Kimberley
Dowd, John
Hughes, Daniel
Mason, April
Palazzo, Frank
Rolston, James
Stone, Joseph

STRAFFORD

Albert, Russell
Campbell, W Packy
Creteau, Irene
Johnson, Nancy
Miller, Joseph
Spang, Judith

Brown, Jennifer
Cataldo, Sam
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Chaplin, Duncan
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Wall, Janet

Callaghan, Frank
Cilley, Jacalyn
Hofemann, Roland
Knowles, William
Smith, Marjorie

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Phinizz, James

Donovan, Thomas
Prichard, Stephen

Franklin, Peter

NAYS 153

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Clark, Charles
Whalley, Michael

Russell, David

Thomas, John

CARROLL

Babson, David Jr
Merrow, Harry

Brown, Carolyn

Chandler, Gene

McConkey, Mark

CHESHIRE

Coates, Christopher
Hunt, John

Dexter, Judson
Pelkey, Stephen

Eaton, Daniel
Sawyer, Sheldon

Emerson, Susan

COOS

King, Frederick
Theberge, Robert

Mears, Edgar

Richardson, Herbert

Stohl, Eric

GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	DeVries, Betsi	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gibson, John	Golding, William	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Haley, Robert	Hansen, Ryan
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Holden, Randolph	Infantine, William	Jasper, Shawn	Kopka, Angeline
Kurk, Neal	Lawrence, James	Lessard, Rudy	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
O'Brien, William	Ober, Lynne	Price, Pamela	Reeves, Sandra
Rowe, Robert	Slocum, Lee	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James

MERRIMACK

Anderson, Eric	Currier, David	DeStefano, Stephen	Field, William
Kennedy, Richard	Klose, John	L'Heureux, Stephen	Langlais, Thomas
MacKay, James	Marple, Richard	Maxfield, Roy	Reardon, Tara
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Coburn, James	Donahue, Richard Ken	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Ingram, Russell	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Manning, John	McMahon, Charles	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Waterhouse, Kevin	Weare, E Albert	Welch, David
Winchell, George			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Easson, Timothy
Heon, Richard	Hilliard, Dana	Newton, Clifford	Rollo, Michael
Twombly, James			

SULLIVAN

Ferland, Brenda	Gale, Harry	Irish, Christopher	Rodeschin, Beverly
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and the majority committee amendment was adopted.

Rep. Patten offered floor amendment (0726h).

Floor Amendment (0726h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to general rules for vessels operating on water.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; General Rules for Vessels Operating on Water. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraph:

X.(a) No person shall operate a vessel at a speed greater than is reasonable and prudent under the existing conditions and without regard for the actual and potential hazards then existing. In all cases, speed shall be controlled so that the operator will be able to avoid endangering or colliding with any person, vessel, object, or shore.

(b) Where no hazard exists that requires lower speed for compliance with subparagraph (a), the speed of any vessel in excess of the limit specified in this subparagraph shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

(1) 25 miles per hour during the period from 1/2 hour after sunset to 1/2 hour before sunrise; and

(2) 45 miles per hour at any other time.

(c) The speed limitations set forth in subparagraph (b) shall not apply to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

(d) The speed limitations set forth in subparagraph (b) shall not apply to boat racing permitted under RSA 270:27.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes general speed limitations for vessels.

Rep. Currier spoke against.

Rep. Patten spoke in favor.

On a division vote, 84 members having voted in the affirmative and 245 in the negative, floor amendment (0726h) failed.

Rep. Abbott offered floor amendment (0412h).

Floor Amendment (0412h)

Amend RSA 270-D:2, X(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The speed limitations set forth in subparagraph (b) shall not apply to ocean waters or to vessels when operated with due regard for safety under the direction of the peace officers in the chase or apprehension of violators of the law or of persons charged with, or suspected of, any such violation, nor to fire department or fire patrol vessels, nor to private emergency vessels when traveling to emergencies. This exemption shall not, however, protect the operator of any such vessel from the consequences of a reckless disregard of the safety of others.

Rep. Abbott spoke in favor and yielded to questions.

Rep. Currier spoke against and yielded to questions.

On a division vote, 239 members having voted in the affirmative and 99 in the negative, floor amendment (0412h) was adopted.

Rep. Chris Christensen offered minority committee amendment (0030h).

Minority Amendment (0030h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to safe operation of vessels on New Hampshire waters.

Amend the bill by replacing all after the enacting clause with the following:

1 Careless and Negligent Operation of Boats; Driving Record. Amend RSA 270:29-a to read as follows:

270:29-a Careless and Negligent Operation of Boats. Any person who shall operate a power boat upon any waters of the state in a careless and negligent manner or so that the lives and safety of the public are endangered shall be guilty of a misdemeanor. *Any conviction under this section shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.*

2 New Paragraph; General Rules for Vessels Operating on Water; Speed. Amend RSA 270-D:2 by inserting after paragraph IX the following new paragraph:

X. No person shall operate a vessel at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

3 Boating and Water Safety; Penalties; Driving Record. Amend RSA 270-D:9 to read as follows:

270-D:9 Penalties. Any person who violates any provisions of this chapter or any rule adopted under RSA 270-D:8 shall be guilty of a violation. *Any conviction under RSA 270-D:2 shall be reported to the commissioner of the department of safety, division of motor vehicles, and shall become a part of the motor vehicle driving record of the person convicted.*

4 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes a general standard for vessel operation speed. This bill also makes certain vessel operation violations a part of the convicted person's driving record.

Rep. Chris Christensen spoke in favor and yielded to questions.

Rep. Dickinson spoke against.

Rep. Thomas spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Steven L'Heureux moved that *HB 162*, establishing boating speed limits for Lake Winnepesaukee, be laid on the table.

Rep. Julie Brown requested a roll call; sufficiently seconded.

YEAS 122 NAYS 211

YEAS 122

BELKNAP

Boyce, Laurie
Tobin, William

Clark, Charles
Wendelboe, Fran

Russell, David
Whalley, Michael

Thomas, John

CARROLL

Chandler, Gene

McConkey, Mark

Morrow, Harry

CHESHIRE

Dexter, Judson
Sawyer, Sheldon

Eaton, Daniel

Hunt, John

Pelkey, Stephen

COOS

Richardson, Herbert

GRAFTON

Dorsett, Andrew
Maybeck, Margie

Gionet, Edmond
Sorg, Gregory

Giuda, Robert

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
Bergin, Peter
Carew, James
Crane, Elenore Casey
Gibson, John
Hawkins, Ken
Holden, Randolph
Manney, Pamela
O'Brien, William
Renzullo, Andrew
Tahir, Saghir
Wheeler, James

Balboni, Michael
Biundo, Michael
Carter, Mark
Drisko, Richard
Goyette, Peter Jr
Hellwig, Steve
Infantine, William
McRae, Karen
Ober, Lynne
Rowe, Robert
Ulery, Jordan

Baroody, Benjamin
Boehm, Ralph
Christiansen, Lars
Elliott, Nancy
Hagan, Barbara
Hinkle, Peyton
Lawrence, James
Mead, Robert
Price, Pamela
Slocum, Lee
Vaillancourt, Steve

Bergeron, Jean-Guy
Calawa, Leon Jr
Cote, Peter
Emerton, Larry
Hansen, Ryan
Hirschmann, Keith
Lessard, Rudy
Moran, Edward
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Langlais, Thomas

Currier, David
Marple, Richard

Kennedy, Richard
Maxfield, Roy

L'Heureux, Stephen
Reed, Dennis

ROCKINGHAM

Asselin, Michael
Bridle, Russell
Doyle, Christopher
Garrity, James
Ingram, Russell
Lund, Howie

Belanger, Ronald
Cady, Harriet
Fesh, Bob
Griffin, Mary
Itse, Daniel
Major, Norman

Bettencourt, David
Camm, Kevin
Forsing, Robert
Headd, James
Katsakiores, George
Manning, John

Bicknell, Elbert
Coburn, James
Francoeur, Sheila
Hopfgarten, Paul
Kobel, Rudolph
McMahon, Charles

Nowe, Ronald
Quandt, Marshall Lee
Stiles, Nancy

O'Neil, Michael
Quandt, Matthew
Waterhouse, Kevin

Packard, Sherman
Rausch, James
Welch, David

Palazzo, Frank
Sanders, Elisabeth
Winchell, George

STRAFFORD

Albert, Russell
Easson, Timothy

Berube, Roger
Heon, Richard

Bickford, David
Newton, Clifford

Cataldo, Sam

SULLIVAN

Ferland, Brenda

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 211

BELKNAP

Fitzgerald, James
Nedeau, Stephen
Veazey, John

Flanders, Donald
Pilliod, James

Millham, Alida
Rosen, Ralph

Morrison, Gail
Tilton, Franklin

CARROLL

Babson, David Jr
Knox, J David
Philbrick, Donald

Brown, Carolyn
Martin, James
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

CHESHIRE

Allen, Peter
Coates, Christopher
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Butynski, William
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Chase, William
Espieffs, Peter
Parkhurst, Henry
Roberts, Kris

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Merrick, Scott

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Almy, Susan
Eaton, Stephanie
McLeod, Martha
Solomon, Peter

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine
Williams, Burton

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Brassard, Paul
Christensen, D L Chris
Craig, James
Dyer, Donald
Ginsburg, Ruth
Haley, Robert
Jasper, Shawn
Kurk, Neal
Martin, Mary Ellen
Mooney, Maureen
Pilotte, Maurice
Schulze, Joan
Smith, David
Wheeler, Robert

Barry, J Gail
Brundige, Robert
Clemons, Jane
Desmarais, Vivian
Essex, David
Golding, William
Hall, Betty
Jean, Claudette
L'Heureux, Robert
Matarazzo, Anthony Sr
Movsesian, Lori
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis

Batula, Peter
Campbell, David
Cote, David
DeVries, Betsi
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Judy, Jean
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Chase, Claudia
Coughlin, Pamela
Dokmo, Cynthia
Gargas, Carolyn
Graham, John
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
Michon, Stephen
Pappas, Christopher
Ryder, Donald
Shaw, Kimberly
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
DeJoie, John

Bouchard, Candace
DeStefano, Stephen

Brueggemann, Donald
Field, William

Clarke, Claire
Foosse, Robert

French, Barbara
Hess, David
MacKay, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Gile, Mary
Kidder, David
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Hager, Elizabeth
Klose, John
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Hamm, Christine
Lockwood, Priscilla
Reardon, Tara
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Donahue, Richard Ken
Flanders, John Sr
Hughes, Daniel
Mason, April
Pantelakos, Laura
Scamman, Stella
Wells, Roger

Allen, Mary
Charron, Gene
Dowd, John
Flockhart, Eileen
Johnson, Robert
McKinney, Betsy
Powers, James
Splaine, James

Buxton, Donald
Cooney, Richard
Dowling, Patricia
Gilbert, Karl
Katsakiores, Phyllis
Moody, Marcia
Robertson, Carl
Stone, Joseph

Carson, Sharon
DiFruscia, Anthony
Dumaine, Dudley
Gould, Kenneth
Langley, Jane
Norelli, Terie
Rolston, James
Weare, E Albert

STRAFFORD

Brown, Jennifer
Campbell, W Packy
Domingo, Baldwin
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Julie
Chaplin, Duncan
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Lawrence
Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Callaghan, Frank
Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Twombly, James

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
and the motion failed.

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Franklin, Peter
Prichard, Stephen

The question now being adoption of minority committee amendment (0030h).
Rep. Stevens requested a roll call; sufficiently seconded.

YEAS 146 NAYS 187

YEAS 146

BELKNAP

Boyce, Laurie
Tobin, William

Clark, Charles
Wendelboe, Fran

Russell, David
Whalley, Michael

Thomas, John

CARROLL

Babson, David Jr
Morrow, Harry

Brown, Carolyn

Chandler, Gene

McConkey, Mark

CHESHIRE

Coates, Christopher
Hunt, John

Dexter, Judson
Pelkey, Stephen

Eaton, Daniel
Sawyer, Sheldon

Emerson, Susan

COOS

King, Frederick

Richardson, Herbert

Stohl, Eric

GRAFTON

Dorsett, Andrew
Ingbreton, Paul

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Solomon, Peter

Giuda, Robert
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael

Balboni, Michael
Boehm, Ralph

Baroody, Benjamin
Brundige, Robert

Bergeron, Jean-Guy
Calawa, Leon Jr

Carew, James
Cote, Peter
Elliott, Nancy
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Lawrence, James
Mooney, Maureen
Price, Pamela
Sloum, Lee
Vaillancourt, Steve

Carter, Mark
Coughlin, Pamela
Emerton, Larry
Graham, John
Hellwig, Steve
Infantine, William
Manney, Pamela
Moran, Edward
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

Christensen, D L Chris
Crane, Elenore Casey
Gibson, John
Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
McRae, Karen
O'Brien, William
Renzullo, Andrew
Tahir, Saghir
Wheeler, James

Christiansen, Lars
DeVries, Betsi
Golding, William
Haley, Robert
Hirschmann, Keith
Kurk, Neal
Mead, Robert
Ober, Lynne
Rowe, Robert
Ulery, Jordan

MERRIMACK

Anderson, Eric
Kennedy, Richard
Marple, Richard

Currier, David
Klose, John
Maxfield, Roy

DeStefano, Stephen
L'Heureux, Stephen
Reed, Dennis

Field, William
Langlais, Thomas

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Carson, Sharon
Doyle, Christopher
Francoeur, Sheila
Headd, James
Katsakiores, George
Major, Norman
Packard, Sherman
Sanders, Elisabeth
Winchell, George

Asselin, Michael
Bridle, Russell
Coburn, James
Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Katsakiores, Phyllis
Manning, John
Quandt, Marshall Lee
Waterhouse, Kevin

Belanger, Ronald
Cady, Harriet
DiFruscia, Anthony
Fesh, Bob
Gilbert, Karl
Ingram, Russell
Kobel, Rudolph
McMahon, Charles
Quandt, Matthew
Weare, E Albert

Bettencourt, David
Camm, Kevin
Donahue, Richard Ken
Forsing, Robert
Griffin, Mary
Itse, Daniel
Lund, Howie
O'Neil, Michael
Rausch, James
Welch, David

STRAFFORD

Berube, Roger
Heon, Richard
Twombly, James

Bickford, David
Hilliard, Dana

Cataldo, Sam
Newton, Clifford

Easson, Timothy
Rollo, Michael

SULLIVAN

Ferland, Brenda

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

NAYS 187

BELKNAP

Fitzgerald, James
Nedeau, Stephen
Veazey, John

Flanders, Donald
Pilliod, James

Millham, Alida
Rosen, Ralph

Morrison, Gail
Tilton, Franklin

CARROLL

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

Knox, J David
Philbrick, Donald

Martin, James
Stevens, Stanley

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Espieffs, Peter
Parkhurst, Henry
Roberts, Kris

Butynski, William
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Hogancamp, Deborah
Pratt, John
Tilton, Anna

COOS

Lary, Bruce

Merrick, Scott

Remick, William

Tholl, John Jr

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Barry, J Gail	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Craig, James	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Gorman, Mary
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Irwin, Anne-Marie
Jean, Claudette	Jeady, Jean	Kopka, Angeline	L'Heureux, Robert
Lasky, Bette	Lefebvre, Roland	Lessard, Rudy	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Velez, Hector	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Lockwood, Priscilla	MacKay, James	Osborne, Jessie	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Casey, Kimberley	Charron, Gene
Cooney, Richard	Dowd, John	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Gould, Kenneth	Hughes, Daniel	Johnson, Robert
Langley, Jane	Mason, April	McKinney, Betsy	Moody, Marcia
Norelli, Terie	Nowe, Ronald	Palazzo, Frank	Pantelakos, Laura
Powers, James	Robertson, Carl	Rolston, James	Scamman, Stella
Splaine, James	Stiles, Nancy	Stone, Joseph	Wells, Roger

STRAFFORD

Albert, Russell	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Campbell, W Packy	Chaplin, Duncan	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinzy, James	Prichard, Stephen

and minority committee amendment (0030h) failed.

The question now being adoption of Ought to Pass as amended.

Rep. Vaillancourt spoke against and yielded to questions.

Rep. David Campbell moved the previous question.

Adopted.

Rep. Spang requested a roll call; sufficiently seconded.

YEAS 193 NAYS 139**YEAS 193
BELKNAP**

Fitzgerald, James
Nedead, Stephen
Tobin, William

Flanders, Donald
Pilliod, James
Veazey, John

Millham, Alida
Rosen, Ralph

Morrison, Gail
Tilton, Franklin

CARROLL

Brown, Carolyn
Martin, James
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

Knox, J David
Philbrick, Donald

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Butcher, Suzanne
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butynski, William
Espiefs, Peter
Parkhurst, Henry
Roberts, Kris

Chase, William
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

COOS

King, Frederick
Tholl, John Jr

Lary, Bruce

Merrick, Scott

Remick, William

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Almy, Susan
Eaton, Stephanie
McLeod, Martha
Williams, Burton

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Calawa, Leon Jr
Cote, David
Drisko, Richard
Gargas, Carolyn
Hall, Betty
Jeudy, Jean
Lefebvre, Roland
Michon, Stephen
Pilotte, Maurice
Schulze, Joan
Smith, David
Wheeler, Robert

Batula, Peter
Campbell, David
Craig, James
Dyer, Donald
Ginsburg, Ruth
Harvey, Suzanne
Kopka, Angeline
Martin, Mary Ellen
Movsesian, Lori
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis

Beaulieu, Jane
Chase, Claudia
Desmarais, Vivian
Essex, David
Gorman, Mary
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Brassard, Paul
Clemons, Jane
Dokmo, Cynthia
Foster, Linda
Graham, John
Jean, Claudette
Lasky, Bette
Messier, Irene
Pappas, Christopher
Ryder, Donald
Shaw, Kimberly
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Field, William
Hager, Elizabeth
Klose, John
Potter, Frances
Tilton, Joy
Williams, Robert

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Clarke, Claire
French, Barbara
Hess, David
MacKay, James
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Cooney, Richard

Buxton, Donald
DiFruscia, Anthony

Casey, Kimberley
Dowd, John

Charron, Gene
Flanders, John Sr

Flockhart, Eileen
Johnson, Robert
Mason, April
Palazzo, Frank
Rolston, James
Stone, Joseph

Gould, Kenneth
Katsakiores, George
McKinney, Betsy
Pantelakos, Laura
Scamman, Stella
Wells, Roger

Griffin, Mary
Katsakiores, Phyllis
Moody, Marcia
Powers, James
Splaine, James

Hughes, Daniel
Langley, Jane
Norelli, Terie
Robertson, Carl
Stiles, Nancy

STRAFFORD

Brown, Jennifer
Campbell, W Packy
Creteau, Irene
Johnson, Nancy
Miller, Joseph
Spang, Judith

Brown, Julie
Cataldo, Sam
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Chaplin, Duncan
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Wall, Janet

Callaghan, Frank
Cilley, Jacalyn
Hofemann, Roland
Knowles, William
Smith, Marjorie

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizz, James

Franklin, Peter
Prichard, Stephen

NAYS 139

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Clark, Charles
Whalley, Michael

Russell, David

Thomas, John

CARROLL

Babson, David Jr

Chandler, Gene

McConkey, Mark

Morrow, Harry

CHESHIRE

Coates, Christopher
Pelkey, Stephen

Dexter, Judson
Sawyer, Sheldon

Eaton, Daniel

Hunt, John

COOS

Richardson, Herbert

Stohl, Eric

GRAFTON

Dorsett, Andrew
Maybeck, Margie

Gionet, Edmond
Solomon, Peter

Giuda, Robert
Sorg, Gregory

Ingbretson, Paul

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Carew, James
Cote, Peter
Elliott, Nancy
Golding, William
Hansen, Ryan
Hirschmann, Keith
Kurk, Neal
McRae, Karen
O'Brien, William
Renzullo, Andrew
Tahir, Saghir
Wheeler, James

Balboni, Michael
Biundo, Michael
Carter, Mark
Coughlin, Pamela
Emerton, Larry
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Lawrence, James
Mead, Robert
Ober, Lynne
Rowe, Robert
Ulery, Jordan

Baroody, Benjamin
Boehm, Ralph
Christensen, D L Chris
Crane, Elenore Casey
Francoeur, Bea
Hagan, Barbara
Hellwig, Steve
Infantine, William
Lessard, Rudy
Mooney, Maureen
Price, Pamela
Slocum, Lee
Vaillancourt, Steve

Barry, J Gail
Brundige, Robert
Christiansen, Lars
DeVries, Betsi
Gibson, John
Haley, Robert
Hinkle, Peyton
Jasper, Shawn
Manney, Pamela
Moran, Edward
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
L'Heureux, Stephen
Reardon, Tara

Currier, David
Langlais, Thomas
Reed, Dennis

DeStefano, Stephen
Marple, Richard

Kennedy, Richard
Maxfield, Roy

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Coburn, James	Donahue, Richard Ken	Dowling, Patricia
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Headd, James
Hopfgarten, Paul	Ingram, Russell	Itse, Daniel	Lund, Howie
Major, Norman	Manning, John	McMahon, Charles	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Sanders, Elisabeth	Waterhouse, Kevin	Weare, E Albert
Welch, David	Winchell, George		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Easson, Timothy
Heon, Richard	Hilliard, Dana	Newton, Clifford	Rollo, Michael
Twombly, James			

SULLIVAN

Ferland, Brenda	Gale, Harry	Irish, Christopher	Rodeschin, Beverly
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and the motion was adopted.

Ordered to third reading

REGULAR CALENDAR**SPECIAL ORDERS (CONT'D.)**

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill establishes a mechanism for more meaningful mitigation for wetland disturbances of less than one acre or 200 feet of stream. Mitigation through very small scale wetland restoration or land conservation projects is ineffective ecologically and difficult for developers. By collecting and pooling fees from a number of small projects, larger wetland areas can be restored or conserved. The committee retained this bill to establish safeguards to ensure the program would be carried out properly. Vote 21-0.

Amendment (0075h)

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Aquatic Resource Compensatory Mitigation. Amend RSA 482-A by inserting after section 27 the following new subdivision:

Aquatic Resource Compensatory Mitigation

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of requiring other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from a proposed activity which at a minimum:

I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.

II. Involves more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.

III. Alters the course of or disturbs 200 or more linear feet of an intermittent or perennial stream or river channel or its banks. For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks.

IV. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit

482-A:29 Fund Established.

I. There is hereby established the aquatic resource compensatory mitigation fund into which payments made under this subdivision shall be deposited. The fund shall be a separate, non-lapsing fund continually appropriated to the department to be used only as specified in this subdivision for costs related to wetlands creation or restoration, stream restoration, preservation of upland areas adjacent to wetlands, and the subsequent monitoring and maintenance of such areas.

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III, and RSA 482-A:31, II, and RSA 482-A:32, II shall be used for this purpose.

III. The state treasurer shall invest the fund as provided by law. Interest received on such investment shall be credited to the fund.

IV. The wetlands council, established by RSA 21-O:5-a, shall approve disbursements of the aquatic resource compensatory mitigation fund based on recommendations provided by the site selection committee established under RSA 482-A:33, and in accordance with rules adopted by the commissioner.

482-A:30 Payment for Freshwater and Tidal Wetlands Losses. For freshwater and tidal wetlands losses, the in lieu payment shall be the sum of:

I. The cost that would have been incurred if a wetland of the same type was constructed at the ratios adopted by the department based on a price of \$65,000 per acre of wetland created, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1;

II. The area of wetlands, as used in the calculation performed under paragraph I, times the cost of land in the municipality where the impact is occurring as calculated by the total assessed land values in the municipality, as determined by the department of revenue administration which are equalized, divided by the number of acres in the municipality to yield a per acre equalized land value; and

III. An administrative assessment which equals 5 percent of the sum of paragraphs I and II.

482-A:31 Payment for Stream or Shoreline Losses. For stream or shoreline resource losses, the in lieu payment shall be the sum of:

I. The linear feet of shoreline or stream impacted times \$200, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1; and

II. An administrative assessment which equals 5 percent of the amount in paragraph I.

482-A:32 Rulemaking. The commissioner shall adopt rules under RSA 541-A relative to:

I. Identification of appropriate situations under which in lieu payments may be made. The criteria in RSA 482-A:28 shall be the minimum requirements for projects eligible for in lieu payments.

II. The method of calculating the amount of in lieu payments under RSA 482-A:30 and RSA 382A:31 which shall approximate the total cost of wetlands construction or such other mitigation actions as would have been required by the department and incurred by the applicant in the absence of making such payments. An administrative assessment of 5 percent of the total cost shall be added as part of the calculation method.

III. Criteria to use in selecting projects that would compensate for the lost aquatic resource functions or values.

(a) Tidal aquatic resources shall be compensated by the selection of qualifying tidal projects.

(b) An emphasis shall be given to selecting from among the qualifying projects those that are nearer to the site of the lost aquatic resource.

(c) No project shall be funded with in lieu payments from losses that occurred outside the hydrologic unit code 8 watershed, as developed by the United States Geological Survey, in which the project is located.

(d) Such criteria shall be adopted in consultation with the site selection committee established under RSA 482-A:33.

482-A:33 Site Selection Committee Established.

I. There is established a site selection committee for the purpose of identifying projects to be funded from the aquatic resource compensatory mitigation fund.

II. The committee shall consist of the following members:

(a) The commissioner of the department of environmental services, or designee.

(b) The director of fish and game, or designee.

(c) The director of the office of energy and planning, or designee.

(d) The commissioner of the department of resources and economic development, or designee.

(e) Four members of the public, appointed by the governor and council for a term of 3 years or until a successor is chosen. The members of the public shall be as follows:

(I) A member of a municipal conservation commission at the time of appointment, who shall be one of 3 nominees submitted by the New Hampshire Association of Conservation Commissions.

(2) A natural resource scientist, who shall be one of 3 nominees submitted by the New Hampshire Association of Natural Resource Scientists.

(3) A person with experience in environmental protection and resource management at the time of appointment, who shall be one of 3 nominees submitted by the Nature Conservancy.

(4) A person with experience in environmental protection and resource management at the time of appointment, who shall be one of 3 nominees submitted by the Society for the Protection of New Hampshire Forests.

III. The members of the committee shall elect a chairperson annually.

IV. Each public member of the committee shall receive \$50 per meeting. The other members of the site selection committee shall receive no compensation other than their regular state salaries but shall receive mileage paid at the rate set for state employees.

482-A:34 Report. The department shall submit an annual report by October 1 beginning with fiscal year 2006, to the fiscal committee, the chairperson of the house resources, recreation and development committee, and the chairperson of the senate environment and wildlife committee summarizing all receipts and disbursements of the aquatic resource compensatory mitigation fund, including a description of all projects undertaken. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

2 Application of Receipts; Aquatic Resource Compensatory Mitigation Fund. Amend RSA 6:12, I(b) by inserting after subparagraph 242 the following new subparagraph:

(243) Moneys deposited in the aquatic resource compensatory mitigation fund established by RSA 482-A:29.

3 Wetlands Council; Aquatic Resource Compensatory Mitigation Fund. Amend RSA 21-O:5-a by inserting after paragraph VII the following new paragraph:

VIII. The council shall approve disbursements of the aquatic resource compensatory mitigation fund established under RSA 482-A:29.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the department of environmental services to accept monetary payments in lieu of other forms of compensatory mitigation for wetlands and shorelines for certain small projects. It establishes a mitigation fund for the payments and establishes a committee to select projects that will compensate for the loss of wetlands and which may be funded from the mitigation fund. Amendment adopted.

Rep. Spang offered floor amendment (0354h).

Floor Amendment (0354h)

Amend RSA 482-A:28 as inserted by section I of the bill by replacing it with the following:

482-A:28 Aquatic Resource Compensatory Mitigation. In lieu of other forms of compensatory mitigation, the department may accept payment for an unavoidable loss of aquatic resource functions and values from a proposed activity which at a minimum:

I. Impacts less than one acre of wetlands and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.

II. Exceeds one acre of impact for a public roadway or a public utility project and meets the criteria for a United States Army Corps of Engineers state programmatic general permit.

Amend RSA 482-A:29, II-IV as inserted by section I of the bill by replacing it with the following:

II. The fund may not be used to pay state personnel costs except, upon approval of the fiscal committee, to support up to one full-time position for administration of the fund and related projects. Only money from the 5 percent administrative assessment collected under RSA 482-A:30, III shall be used for this purpose.

III. The state treasurer shall invest the fund as provided by law. Interest received on such investment shall be credited to the fund.

IV. The wetlands council, established by RSA 21-O:5-a, shall approve disbursements of the aquatic resource compensatory mitigation fund based on recommendations provided by the site selection committee established under RSA 482-A:32, and in accordance with rules adopted by the commissioner.

Amend section I of the bill by deleting RSA 482-A:31 and renumbering the original RSA 482-A:32 – RSA 482-A:34 to read as RSA 482-A:31 – RSA 482-A:33, respectively.

AMENDED ANALYSIS

This bill allows the department of environmental services to accept monetary payments in lieu of other forms of compensatory mitigation for wetlands for certain small projects. It establishes a mitigation fund for the payments and establishes a committee to select projects that will compensate for the loss of wetlands and which may be funded from the mitigation fund.

Floor amendment (0354h) adopted.

Committee report adopted and ordered to third reading.

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Marple for State-Federal Relations and Veterans Affairs: The committee is not insensitive to the plight of the people of Darfur but the language of the resolution would commit 10,000 U.S. forces to the mission that the committee did not feel appropriate. Vote 11-0.

Reps. Anna Tilton and Pratt spoke against.

Reps. Twombly and Coughlin spoke in favor and yielded to questions.

Rep. Pritchard requested a roll call; sufficiently seconded.

YEAS 169 NAYS 137

YEAS 169

BELKNAP

Boyce, Laurie
Millham, Alida
Rosen, Ralph
Tobin, William

Clark, Charles
Morrison, Gail
Russell, David
Wendelboe, Fran

Fitzgerald, James
Nedeau, Stephen
Thomas, John

Flanders, Donald
Pilliod, James
Tilton, Franklin

CARROLL

Babson, David Jr
Dickinson, Howard
Morrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Philbrick, Donald

CHESHIRE

Dexter, Judson
Sawyer, Sheldon

Emerson, Susan

Foot, Sheila

Hunt, John

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Gionet, Edmond

Ham, Bonnie

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Allan, Nelson
Boehm, Ralph
Christensen, D L Chris
Desmarais, Vivian
Emerton, Larry
Golding, William
Hansen, Ryan
Jasper, Shawn
McRae, Karen
Movsesian, Lori
Price, Pamela
Rowe, Robert
Slocum, Lee
Villeneuve, Maurice

Barry, J Gail
Brundige, Robert
Christiansen, Lars
Dokmo, Cynthia
Foster, Linda
Goyette, Peter Jr
Hawkins, Ken
L'Heureux, Robert
Mead, Robert
O'Brien, William
Reeves, Sandra
Ryder, Donald
Stepanek, Stephen
Wheeler, James

Batula, Peter
Calawa, Leon Jr
Coughlin, Pamela
Drisko, Richard
Gibson, John
Graham, John
Holden, Randolph
Lawrence, James
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Shaw, Barbara
Sullivan, Francis
Wheeler, Robert

Bergeron, Jean-Guy
Carew, James
Crane, Elenore Casey
Dyer, Donald
Ginsbury, Ruth
Hagan, Barbara
Infantine, William
Manney, Pamela
Moran, Edward
Pilotte, Maurice
Rochette, Eric
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Kidder, David
MacKay, James

Blanchard, Elizabeth
Klose, John
Marple, Richard

Field, William
L'Heureux, Stephen
Williams, Robert

Kennedy, Richard
Lockwood, Priscilla

ROCKINGHAM

Belanger, Ronald
Buxton, Donald
Coburn, James
Doyle, Christopher
Forsing, Robert
Headd, James
Katsakiores, George
Major, Norman
McMahon, Charles
Quandt, Marshall Lee
Sanders, Elisabeth
Weare, E Albert

Bettencourt, David
Cady, Harriet
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Katsakiores, Phyllis
Manning, John
Nowe, Ronald
Quandt, Matthew
Scamman, Stella
Wells, Roger

Bicknell, Elbert
Carson, Sharon
Donahue, Richard Ken
Fesh, Bob
Garrity, James
Ingram, Russell
Langley, Jane
Mason, April
O'Neil, Michael
Rausch, James
Stone, Joseph
Winchell, George

Bridle, Russell
Charron, Gene
Dowd, John
Flanders, John Sr
Griffin, Mary
Johnson, Robert
Lund, Howie
McKinney, Betsy
Packard, Sherman
Rolston, James
Waterhouse, Kevin

STRAFFORD

Albert, Russell
Cataldo, Sam
Easson, Timothy

Bickford, David
Chaplin, Duncan
Newton, Clifford

Brown, Julie
Domingo, Baldwin
Twombly, James

Campbell, W Packy
Dunlap, Patricia

SULLIVAN

Gale, Harry

Irish, Christopher

Rodeschin, Beverly

**NAYS 137
BELKNAP**

Whalley, Michael

CARROLL

None

CHESHIRE

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Pelkey, Stephen
Roberts, Kris

Chase, William
Espieffs, Peter
Plika, Stanley Jr
Robertson, Timothy

Coates, Christopher
Mitchell, Bonnie
Pratt, John
Tilton, Anna

COOS

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
McLeod, Martha
Solomon, Peter

Almy, Susan
Giuda, Robert
Mulholland, Catherine
Williams, Burton

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Adams, Jarvis IV
Brassard, Paul
Cote, Peter
Essex, David
Hall, Betty
Irwin, Anne-Marie

Balboni, Michael
Chase, Claudia
Craig, James
Francoeur, Bea
Harvey, Suzanne
Jean, Claudette

Baroody, Benjamin
Clemons, Jane
DeVries, Betsy
Gargasch, Carolyn
Hellwig, Steve
Judy, Jean

Beaulieu, Jane
Cote, David
Elliott, Nancy
Gorman, Mary
Hinkle, Peyton
Kopka, Angeline

Kurk, Neal
Messier, Irene
Shattuck, Gilman
Velez, Hector

Lasky, Bette
Michon, Stephen
Smith, David

Martin, Mary Ellen
O'Connell, Timothy
Sullivan, Peter

Matarazzo, Anthony Sr
Schulze, Joan
Ulery, Jordan

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Bueggemann, Donald
Foose, Robert
Hamm, Christine
Reed, Dennis
Tilton, Joy
Yeaton, Charles

Clarke, Claire
French, Barbara
Osborne, Jessie
Rush, Deanna
Tupper, Frank

DeJoie, John
Gile, Mary
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Itse, Daniel
Powers, James
Welch, David

Allen, Mary
Flockhart, Eileen
Moody, Marcia
Robertson, Carl

Cali-Pitts, Jacqueline
Gould, Kenneth
Norelli, Terie
Splaine, James

Camm, Kevin
Hughes, Daniel
Palazzo, Frank
Stiles, Nancy

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Hofemann, Roland
Rollo, Michael
Spang, Judith

Brown, Jennifer
Creteau, Irene
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Heon, Richard
Keans, Sandra
Schmidt, Peter
Wall, Janet

Callaghan, Frank
Hilliard, Dana
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the committee report was adopted.

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident. **OUGHT TO PASS.** Rep. Brenda L. Ferland for Transportation: The current law for suspension of license after a report of an accident reads that the director shall suspend the license of the driver. The committee has added one line saying that after a receipt of the report of an accident and notice that there has been an adjudication by a court that the driver was at fault, then the director shall suspend the license. Vote 9-0.

Rep. Ferland offered floor amendment (0610h).

Floor Amendment (0610h)

Amend the bill by replacing section 1 with the following:

1 Suspension of License After Report of Accident. Amend RSA 264:3, I to read as follows:

I. After receipt of the report required by RSA 264:25 *and either notice that there has been an adjudication by a court that the driver was at fault or a finding by the director as a result of a hearing with notice to all persons involved in the accident that the driver was at fault*, the director shall suspend the license and registration certificate and require the surrender of the registration plates, if any, of the driver, and shall suspend the registration certificates and require the surrender of the plates of the owner of the vehicle, trailer, or semi-trailer involved in the accident reported and shall suspend his *or her* license, if any, or driving privilege until such driver or owner or both shall have furnished sufficient security to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against such owner or driver by or on behalf of the aggrieved person or his *or her* legal representative, and until such owner or driver or both shall give and thereafter maintain proof of financial responsibility in the future. Notice of such suspension and of the requirement of such surrender shall be sent by the director to such driver and owner not less than 10 days prior to the effective date of such suspension.

AMENDED ANALYSIS

This bill requires an adjudication or administrative finding of fault prior to the suspension of a driver's license after a motor vehicle accident resulting in death, personal injury, or damage to property. Rep. Ferland spoke in favor.

On a division vote, 225 members having voted in the affirmative and 78 in the negative, floor amendment (0610h) was adopted.

The question now being adoption of the committee report as amended.

Reps. DiFruscia and Ferland yielded to questions.

On a division vote, 241 members having voted in the affirmative and 61 in the negative, the committee report as amended was adopted.

Ordered to third reading.

HB 553-FN-A, relative to a state tax on large lottery winnings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howie Lund for the Majority of Ways and Means: The majority of the committee felt that a 10% state tax on lottery winnings of \$5,000 and higher would be double taxation for some and triple taxation for others. A state resident must pay a federal income tax on all winnings over \$599. The passage of this bill would cause our state resident to pay a double tax on all winnings of \$5,000 and over. Our "out of state" residents who purchase lottery tickets and have a winnings of \$5,000 or more would face a triple tax. They would first pay the federal income tax, second the New Hampshire 10% tax and third their home state income tax. The other concern was the fiscal note, which was incomplete. It was based on one year's numbers. When you look back six years, you see very erratic revenue streams. Those revenue streams are good in years when there are large power ball winnings and are poor in years without the big power ball winnings. Vote 11-7.

Rep. William Butynski for the Minority of Ways and Means: Many of the members who did not support the ITL motion felt that this bill would provide some additional necessary revenue to both the Land and Community Heritage Investment Trust Program (LCHIP) fund and the general fund. Also, since the bill would tax only large lottery winners (i.e. \$5,000 and above), most lottery players and winners would not feel any negative impact from the bill, while the additional revenue generated would provide substantial support for LCHIP, as well as some additional revenue for necessary state services supported by the general fund. Large lottery winners should not be excluded from paying taxes that businesses and individual consultants must pay.

Rep. Field spoke against.

Rep. Lund spoke in favor.

On a division vote, 228 members having voted in the affirmative and 57 in the negative, the majority committee report was adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Bettencourt moved that the House reconsider its action whereby it voted **HR 13**, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424), Inexpedient to Legislate.

Rep. Giuda spoke in favor.

On a division vote, 188 members having voted in the affirmative and 96 in the negative, Reconsideration prevailed.

LAID ON THE TABLE

Rep. Giuda moved that **HR 13**, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424), be laid on the table.

Adopted.

REGULAR CALENDAR

SPECIAL ORDERS (CONT'D.)

HB 669-FN, setting the laboratory fee schedule for certain environmental samples. **INEXPEDIENT TO LEGISLATE.**

Rep. Philip G. Osgood for Ways and Means: The Department of Environmental Services (DES) favored a rise in fees because they have not been adjusted since 1999. They also wanted the fees

to be compatible with private labs and to add specific tests that were not on the 1999 list. After hearing testimony on three occasions and two committee members taking a trip to the state laboratory, the committee had these concerns. One concern was about the amount of funds that would be available to this department without legislative oversight. The equipment fund at DES is managed at the discretion of the department. The current balance in the fund is over \$900,000. The capital budget has appropriated \$497,000 for the conversion of approximately 2000 square feet of vacant space into a new "clean room" at the DES lab. This new clean room will be established primarily for testing of water samples from sewage treatment plants, rivers, lakes and streams. It was not clear if these unrestricted funds (that are generated mainly by drinking water testing fees) would be used for equipment directly connected to other purposes. Others questioned fees as high as independent laboratories, while receiving operating funds from the state. Concerns about fees for one test on equipment that automatically runs multiple tests and gives these results raised the questions as to whether the fee structure should be tailored to compensate for this group testing. The committee felt that some adjustments should be made to the fee schedule. However, an increase to the amount proposed would have a significant impact on municipalities, water systems and individuals that rely on the lab. The new laboratory at DES is spacious, impressive, well run and staffed. The fund is in good shape. To that end the committee felt this request needs more work and it was best to leave the fees as they are and work with the department for a more palatable fee schedule in the future. Vote 19-0.

Rep. Camm spoke against.

On a division vote, 59 members having voted in the affirmative and 222 in the negative, the committee report failed.

Rep. Camm moved Ought to Pass and offered floor amendment (0316h)

Floor Amendment (0316h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, 2 from the resources, recreation and development committee, 2 from the ways and means committee, and one from the finance committee, appointed by the speaker of the house of representatives.

(b) Five members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services. The committee shall evaluate the need for future additions to existing laboratory tests and equipment and make recommendations for laboratory test fees and distributions to the laboratory equipment and replacement fund.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study water tests conducted by the state laboratory of hygiene and water test fees collected by the department of environmental services.

Floor amendment (0316h) adopted.

Motion of Ought to Pass as amended adopted.

Ordered to third reading.

HB 1454-FN, relative to delivery sales of cigarettes. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill pertains to collection of tobacco taxes on the out-of-state purchase of cigarettes via the Internet or by mail order. It was the committee's opinion that while this bill was well intended our ability to enforce it was severely limited due to our inability to regulate the Internet or the US Postal Service. Also, a substantial number of these cigarettes are being purchased from Indian reservations which are exempt from tax regulations. In view of this, it was felt these problems should be addressed by the federal government before state regulations are made. Vote 15-1.

Committee report adopted.

HB 1187, requiring a school district to disclose the percentage of its total education budget used for direct support of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles B. Yeaton for Education: The committee saw several problems with this bill. There is a question as to what expenditures are direct support of education and which are not. School districts already have their methods of presenting their budgets which are most helpful in informing their voters. There is also the danger that costs not included as direct instruction might also be considered less necessary. Vote 11-2.

Committee report adopted.

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Nancy F. Stiles for Education: Recognizing the rapid increase of overweight and obesity in children and its negative impact on academics and health and that hospital costs related to childhood obesity alone have tripled in the last 20 years (Center for Disease Control), as well as the NH data for the 1998-2000 years indicate a \$302 million expenditure on obesity-related illness, this bill will direct state money from the Department of Education budget directly to the local school districts at the rate of \$.03, per US Department of Agriculture requirements, performance based, school breakfast. This bill also works in support of local school wellness policies and is a cooperative effort to improve overall wellness in our school environment. Vote 13-0.

Committee report adopted.

Referred to the committee on Finance.

HB 1362, relative to permitting audio and video recording on school buses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen R. L'Heureux for Education: The committee strongly believes in the adoption of this enabling legislation which provides an open process to allow a school board, after a public hearing, to adopt administrative procedures and rules regarding the addition of audio taping within a school bus while students are in transit to and from school or school functions. It limits who can view the tape, how long the audio is kept, and assures that it is only utilized when a complaint has been received relative to an incident on the bus. Vote 12-1.

Amendment (0586h)

Amend RSA 570-A:2, II(k) as inserted by section I of the bill by replacing it with the following:

(k)(1) The owner or operator of a school bus, as defined in RSA 259:96, to make an audio recording in conjunction with a video recording of the interior of the school bus while students are being transported to and from school or school activities, provided that the school board authorizes audio recording, the school district provides notification of such recording to the parents and students as part of the district's pupil safety and violence prevention policy required under RSA 193-F:3, I(b), and there is a sign informing the occupants of such recording prominently displayed on the school bus.

(2) Prior to any audio recording, the school board shall hold a public hearing to determine whether audio recording should be authorized in school buses, and if authorized, the school board shall establish an administrative procedure to address the length of time which the recording is retained, ownership of the recording, limitations on who may listen to the recording, and provisions for erasing or destroying the recording. Such administrative procedure shall permit the parents or legal guardian of any student against whom a recording is being used as part of a disciplinary proceeding to listen to the recording. In no event, however, shall the recording be retained for longer than 10 school days unless the school district determines that the recording is

relevant to a disciplinary proceeding, or a court orders that it be retained for a longer period of time. An audio recording shall only be reviewed if there has been a report of an incident or a complaint relative to conduct on the school bus, and only that portion of the audio recording which is relevant to the incident or complaint shall be reviewed.

AMENDED ANALYSIS

This bill permits a school bus owner or operator to make an audio recording of a student on a school bus if the school board, after a public hearing, authorizes the recording and the parents and students are notified of the recording.

On a division vote, 213 members having voted in the affirmative and 71 in the negative, the committee amendment was adopted.

The question now being adoption of the committee report.

Reps. Keans and Boehm spoke against.

Reps. Winchell, Newton and Stephen L'Heureux spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Crane moved that **HB 1362**, relative to permitting audio and video recording on school buses, be laid on the table.

Rep. Stephen L'Heureux requested a roll call; sufficiently seconded.

YEAS 92 NAYS 193

YEAS 92 BELKNAP

Clark, Charles	Morrison, Gail	Rosen, Ralph	Whalley, Michael
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CARROLL

Babson, David Jr	Morrow, Harry
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CHESHIRE

Dexter, Judson	Espiefs, Peter	Plifka, Stanley Jr	Roberts, Kris
Sawyer, Sheldon	Tilton, Anna		

COOS

Merrick, Scott	Richardson, Herbert
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GRAFTON

Almy, Susan	Giuda, Robert	Ingbreton, Paul	Maybeck, Margie
McLeod, Martha	Nordgren, Sharon	Sokol, Hilda	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Boehm, Ralph	Chase, Claudia	Christiansen, Lars	Clemons, Jane
Cote, David	Crane, Elenore Casey	Desmarais, Vivian	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hall, Betty	Hinkle, Peyton
Holden, Randolph	Kurk, Neal	Lasky, Bette	Lawrence, James
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Reeves, Sandra
Rochette, Eric	Schulze, Joan	Slocum, Lee	Sullivan, Peter
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	

MERRIMACK

Field, William	Ryan, Jim	Tilton, Joy	Tupper, Frank
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ROCKINGHAM

Allen, Mary	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	DiFruscia, Anthony

Donahue, Richard Ken
 Francoeur, Sheila
 Ingram, Russell
 O'Neil, Michael
 Stone, Joseph

Doyle, Christopher
 Griffin, Mary
 Itse, Daniel
 Quandt, Marshall Lee

Dumaine, Dudley
 Headd, James
 Lund, Howie
 Quandt, Matthew

Fesh, Bob
 Hopfgarten, Paul
 Nowe, Ronald
 Splaine, James

STRAFFORD

Campbell, W Packy
 Keans, Sandra

Chaplin, Duncan
 Wall, Janet

Dunlap, Patricia

Hilliard, Dana

SULLIVAN

Rodeschin, Beverly

NAYS 193

BELKNAP

Boyce, Laurie
 Pilliod, James
 Tobin, William

Fitzgerald, James
 Russell, David
 Wendelboe, Fran

Millham, Alida
 Thomas, John

Nedeau, Stephen
 Tilton, Franklin

CARROLL

Brown, Carolyn
 Martin, James
 Philbrick, Donald

Buco, Thomas
 McConkey, Mark
 Stevens, Stanley

Dickinson, Howard
 Olimpio, J Lisbeth

Knox, J David
 Patten, Betsey

CHESHIRE

Butcher, Suzanne
 Emerson, Susan
 Parkhurst, Henry
 Weed, Charles

Butynski, William
 Foote, Sheila
 Pelkey, Stephen

Dunn, J Timothy
 Hogancamp, Deborah
 Richardson, Barbara

Eaton, Daniel
 Hunt, John
 Robertson, Timothy

COOS

King, Frederick

Lary, Bruce

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene
 Ham, Bonnie
 Solomon, Peter

Benn, Bernard
 Hammond, Lee
 Williams, Burton

Cooney, Mary
 Harding, A Laurie

Gionet, Edmond
 Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson
 Brassard, Paul
 Christensen, D L Chris
 Drisko, Richard
 Gargas, Carolyn
 Hawkins, Ken
 Jasper, Shawn
 Matarazzo, Anthony Sr
 Moran, Edward
 Ober, Lynne
 Rowe, Robert
 Shaw, Kimberly
 Ulery, Jordan

Baroody, Benjamin
 Brundige, Robert
 Coughlin, Pamela
 Dyer, Donald
 Ginsburg, Ruth
 Hellwig, Steve
 Kopka, Angeline
 Messier, Irene
 Movsesian, Lori
 Pilotte, Maurice
 Ryder, Donald
 Smith, David
 Wheeler, Robert

Barry, J Gail
 Calawa, Leon Jr
 DeVries, Betsi
 Essex, David
 Golding, William
 Infantine, William
 L'Heureux, Robert
 Michon, Stephen
 O'Brien, William
 Price, Pamela
 Shattuck, Gilman
 Stepanek, Stephen

Beaulieu, Jane
 Carew, James
 Dokmo, Cynthia
 Foster, Linda
 Harvey, Suzanne
 Irwin, Anne-Marie
 Manney, Pamela
 Mooney, Maureen
 O'Connell, Timothy
 Renzullo, Andrew
 Shaw, Barbara
 Sullivan, Francis

MERRIMACK

Anderson, Eric
 Clarke, Claire
 French, Barbara

Blanchard, Elizabeth
 DeJoie, John
 Gile, Mary

Bouchard, Candace
 DeStefano, Stephen
 Hager, Elizabeth

Brueggemann, Donald
 Foose, Robert
 Hamm, Christine

Kennedy, Richard
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Kidder, David
MacKay, James
Reed, Dennis
Walz, Mary Beth

Klose, John
Marple, Richard
Rush, Deanna
Williams, Robert

L'Heureux, Stephen
Osborne, Jessie
Shurtleff, Stephen
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Dowling, Patricia
Garriy, James
Katsakiores, George
Manning, John
Moody, Marcia
Rausch, James
Scamman, Stella
Welch, David

Belanger, Ronald
Casey, Kimberley
Flanders, John Sr
Gould, Kenneth
Katsakiores, Phyllis
Mason, April
Packard, Sherman
Robertson, Carl
Stiles, Nancy
Wells, Roger

Bridle, Russell
Charron, Gene
Flockhart, Eileen
Hughes, Daniel
Langley, Jane
McKinney, Betsy
Palazzo, Frank
Rolston, James
Waterhouse, Kevin
Winchell, George

Buxton, Donald
Dowd, John
Forsing, Robert
Johnson, Robert
Major, Norman
McMahon, Charles
Powers, James
Sanders, Elisabeth
Weare, E Albert

STRAFFORD

Albert, Russell
Brown, Lawrence
Easson, Timothy
Rollo, Michael
Spang, Judith

Bickford, David
Cataldo, Sam
Hofemann, Roland
Rous, Emma
Twombly, James

Brown, Jennifer
Cilley, Jacalyn
Kaen, Naida
Schmidt, Peter

Brown, Julie
Creteau, Irene
Newton, Clifford
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr
and the motion failed.

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher

The question now being adoption of the committee report.
Rep. Ingbretonson requested a roll call; sufficiently seconded.

YEAS 161 NAYS 124

YEAS 161

BELKNAP

Fitzgerald, James

Nedeau, Stephen

Russell, David

Tilton, Franklin

CARROLL

Brown, Carolyn
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

Martin, James
Stevens, Stanley

McConkey, Mark

CHESHIRE

Butcher, Suzanne
Emerson, Susan
Pelkey, Stephen
Weed, Charles

Butynski, William
Foote, Sheila
Plifka, Stanley Jr

Dunn, J Timothy
Hogancamp, Deborah
Richardson, Barbara

Eaton, Daniel
Hunt, John
Robertson, Timothy

COOS

King, Frederick

Lary, Bruce

Stohl, Eric

Toll, John Jr

GRAFTON

Cooney, Mary
Mulholland, Catherine

Gionet, Edmond
Solomon, Peter

Giuda, Robert
Williams, Burton

Harding, A Laurie

HILLSBOROUGH

Allan, Nelson
Brundige, Robert

Baroody, Benjamin
Christensen, D L Chris

Beaulieu, Jane
Christiansen, Lars

Brassard, Paul
Coughlin, Pamela

DeVries, Betsi
 Foster, Linda
 Harvey, Suzanne
 Kopka, Angeline
 Michon, Stephen
 Pilotte, Maurice
 Ryder, Donald
 Shaw, Kimberly
 Wheeler, Robert

Dokmo, Cynthia
 Gargasz, Carolyn
 Hawkins, Ken
 Manney, Pamela
 Moran, Edward
 Price, Pamela
 Schulze, Joan
 Stepanek, Stephen

Drisko, Richard
 Ginsburg, Ruth
 Irwin, Anne-Marie
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Renzullo, Andrew
 Shattuck, Gilman
 Sullivan, Francis

Dyer, Donald
 Golding, William
 Jasper, Shawn
 Messier, Irene
 O'Brien, William
 Rowe, Robert
 Shaw, Barbara
 Ulery, Jordan

MERRIMACK

Anderson, Eric
 Clarke, Claire
 Gile, Mary
 Kidder, David
 Osborne, Jessie
 Shurtleff, Stephen
 Yeaton, Charles

Blanchard, Elizabeth
 DeJoie, John
 Hager, Elizabeth
 Klose, John
 Potter, Frances
 Wallner, Mary Jane

Bouchard, Candace
 DeStefano, Stephen
 Hamm, Christine
 L'Heureux, Stephen
 Reed, Dennis
 Walz, Mary Beth

Brueggemann, Donald
 French, Barbara
 Kennedy, Richard
 MacKay, James
 Rush, Deanna
 Williams, Robert

ROCKINGHAM

Abbott, Dennis
 Cali-Pitts, Jacqueline
 Dowling, Patricia
 Garrity, James
 Katsakiores, George
 Manning, John
 Packard, Sherman
 Robertson, Carl
 Stone, Joseph
 Wells, Roger

Belanger, Ronald
 Casey, Kimberley
 Flanders, John Sr
 Gould, Kenneth
 Katsakiores, Phyllis
 McMahon, Charles
 Palazzo, Frank
 Rolston, James
 Waterhouse, Kevin
 Winchell, George

Bridle, Russell
 Charron, Gene
 Flockhart, Eileen
 Ingram, Russell
 Langley, Jane
 Moody, Marcia
 Powers, James
 Sanders, Elisabeth
 Weare, E Albert

Buxton, Donald
 Dowd, John
 Forsing, Robert
 Johnson, Robert
 Major, Norman
 O'Neil, Michael
 Rausch, James
 Stiles, Nancy
 Welch, David

STRAFFORD

Albert, Russell
 Cilley, Jacalyn
 Rollo, Michael
 Spang, Judith

Bickford, David
 Easson, Timothy
 Rous, Emma

Brown, Julie
 Hofemann, Roland
 Schmidt, Peter

Chaplin, Duncan
 Kaen, Naida
 Smith, Marjorie

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte
 Prichard, Stephen

Donovan, Thomas
 Irish, Christopher

Ferland, Brenda
 Jillette, Arthur Jr

Gale, Harry
 Phinizy, James

NAYS 124

BELKNAP

Boyce, Laurie
 Pilliod, James
 Wendelboe, Fran

Clark, Charles
 Rosen, Ralph
 Whalley, Michael

Millham, Alida
 Thomas, John

Morrison, Gail
 Tobin, William

CARROLL

Babson, David Jr
 Philbrick, Donald

Buco, Thomas

Dickinson, Howard

Merrow, Harry

CHESHIRE

Dexter, Judson
 Sawyer, Sheldon

Espiefs, Peter
 Tilton, Anna

Parkhurst, Henry

Roberts, Kris

COOS

Merrick, Scott

Richardson, Herbert

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Ham, Bonnie
Hammond, Lee	Ingbretson, Paul	Maybeck, Margie	McLeod, Martha
Nordgren, Sharon	Sokol, Hilda		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Boehm, Ralph	Calawa, Leon Jr	Carew, James
Chase, Claudia	Clemons, Jane	Cote, David	Crane, Elenore Casey
Desmarais, Vivian	Elliott, Nancy	Emerton, Larry	Essex, David
Francoeur, Bea	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Betty	Hellwig, Steve	Hinkle, Peyton
Holden, Randolph	Infantine, William	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Martin, Mary Ellen	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Connell, Timothy	Ober, Lynne
Reeves, Sandra	Rochette, Eric	Slocum, Lee	Smith, David
Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James

MERRIMACK

Field, William	Foose, Robert	Lockwood, Priscilla	Marple, Richard
Ryan, Jim	Tilton, Joy	Tupper, Frank	

ROCKINGHAM

Allen, Mary	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	DiFruscia, Anthony
Donahue, Richard Ken	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Francoeur, Sheila	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Itse, Daniel	Lund, Howie	Mason, April
McKinney, Betsy	Nowe, Ronald	Quandt, Marshall Lee	Quandt, Matthew
Scamman, Stella	Splaine, James		

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Creteau, Irene	Dunlap, Patricia	Hilliard, Dana	Keans, Sandra
Newton, Clifford	Twombly, James	Wall, Janet	

SULLIVAN

Converse, Larry	Franklin, Peter	Rodeschin, Beverly
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and the committee report was adopted.
Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Dickinson moved that the House reconsider its action whereby it adopted the majority committee report of Ought to Pass with Amendment, **HB 162**, relative to general rules for vessels operating on water.

On a division vote, 110 members having voted in the affirmative and 176 in the negative, reconsideration failed.

SPECIAL ORDER

Without objection, the Deputy Speaker stated that the remainder of today's calendar would be Special Ordered for the next session day.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 15, 2006 at 10:00 a.m. Adopted.

LATE SESSION**Third reading and final passage**

HB 657-FN-L, relative to promoting community revitalization.

HB 162, relative to general rules for vessels operating on water.

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident.

HB 669-FN, establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

HB 1362, relative to permitting audio and video recording on school buses.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 1248, 1262, 1402 and 505 and Senate Bill numbered 175.

Rep. Currier, Sen. D'Allesandro for the Committee

PERSONAL PRIVILEGE

Rep. Hagan addressed the House.

UNANIMOUS CONSENT

Reps. Daniel Eaton and Harvey addressed the House.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Stephen L'Heureux moved that the House reconsider its action whereby **HB 1362**, relative to permitting audio and video recording on school buses, was read a third time and passed.

Reconsideration failed.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:30 p.m.

RECESS

(Rep. Tupper in the Chair)

SENATE MESSAGE**CONCURRENCE**

HB 100-FN-A-L, amending the formula for funding public education.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 100.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Wednesday, February 15, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

In preparing for this day, O God, turn us inward for a moment to the miracle that is our own lives. Lives filled with everyday wonders we often miss and opportunities we take for granted, yet lives which are broken in places, searching, uncertain and possibly fearful. Center us for a moment in the deeper awareness of the goodness of life, and the blessing You give us in family, friends, and material abundance far greater than many know. Heal, we pray, any wounds of spirit, mind or body within us, and likewise in the lives of those we know and love. Help us in our own ways to be healers and helpers both in what we do in this chamber and when we leave it.

O God, there is a tremendous load of work to be done here today and tomorrow. We have before us a number of pressing bills, some of them concerning issues about which we are deeply passionate and quite divided as a body. Issues which may go to the core of our sense of what is just and right for individuals and for society. Grant to us the fortitude to move through our work with aplomb, sincerity, and compassion. Help us to stay focused on our goals and avoid distractions that might bog us down. And above all, give us the courage to legislate in ways which give deep honor to You and to Your people and to the shared blessing of this human life You entrust to our care and stewardship. We pray these things with thanksgiving. Amen.

Rep. Leon C. Calawa Jr., member from Litchfield, led the Pledge of Allegiance.

The National Anthem was sung by Holly Clayman, Momo Desmond and Emily Potoczak, 8th grade students from Rundlett Middle School in Concord.

LEAVES OF ABSENCE

Reps. Barker, Barry, Carlson, Gale, Gillick, Lessard, Maybeck, Putnam, Whiting and Zolla, the day, illness.

Reps. Charles Clark, Grassie, Hollinger, Introne, Irwin, Paula Johnson, Manning, Charles McMahon, Naro, Owen, Pepino, Schulze, Twombly and Wallner, the day, important business.

Reps. MaryAnn Blanchard, Mark Clark and Coates, the day, illness in the family.

Rep. Bergin, the day, death in the family.

INTRODUCTION OF GUESTS

Dr. Ron Butcher, Head Soccer Coach for Keene State, Mrs. Butcher and Rick Scott, guests of the Cheshire County delegation.

COMMUNICATION

February 8, 2006

Karen Wadsworth, Clerk of the House.

Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Rockingham County District 3

John E. Robinson, d, Londonderry (13 Elmwood Rd.) 03053

William M. Gardner, Secretary of State

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit the deadline of the last day to report all House Bills not going to a second committee, February 23, 2006 at noon, be moved to Friday, February 24, 2006 at 2:00 p.m.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1621, prohibiting overpricing of fuel, removed by Rep. O'Brien.

CACR 32, relating to eminent domain. Providing that property can only be taken for public benefit other than increased tax revenues, removed by Rep. Vaillancourt.

CACR 40, relating to taking of property. Providing that property may not be taken for a public purpose, but only for a public use, removed by Rep. Vaillancourt.

HB 1398, relative to titles for motor vehicles of a certain age, removed by Rep. Hagan.

HB 1624-FN, relative to boat noise, removed by Rep. Claudia Chase.

HB 1628, relative to expenses of operating bingo games, removed by Rep. Vaillancourt.

HB 1162, relative to village districts, removed by Rep. Aguiar.

Consent Calendar adopted.

HB 1419-FN, relative to mandatory mediation in divorce proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Children and Family Law: This bill expands and broadens judges' and marital masters' discretion to order mediation to include divorce cases without children. Vote 15-0.

Amendment (0688h)

Amend the title of the bill to read as follows:

AN ACT relative to mediation in divorce proceedings.

Amend the bill by replacing all after the enacting clause with the following:

I New Section; Annulment, Divorce, and Separation; Mediation. Amend RSA 458 by inserting after section 15-b the following new section:

458:15-c Mediation.

I. In this section:

(a) "Mediation" means a process in which a neutral third party facilitates settlement discussions between parties.

(b) "Mediator" means a marital mediator, certified pursuant to RSA 328-C, who has contracted with the court to participate in court-referred mediation under this section.

II. The court may order the parties to participate in mediation upon the request of either party or at the discretion of the court. If the parties are ordered to participate in mediation under this section, all issues relevant to their case, including but not limited to property settlement and alimony also shall be mediated unless the court orders otherwise. Mediation may not be ordered pursuant to this section if the case involves minor children and the parties are eligible for mediation under RSA 461-A:7.

III. Reasons the court may choose not to order mediation include, but are not limited to, the following:

(a) A showing of undue hardship to a party.

(b) An agreement between the parties for alternate dispute resolution procedures.

(c) A finding of alcoholism or drug abuse unless all parties agree to mediation.

(d) An allegation of serious psychological or emotional abuse.

(e) Lack of an available, suitable mediator within a reasonable time period.

(f) A finding of domestic violence as defined in RSA 173-B:1, unless all parties agree to mediation.

V. The mediator has no authority to make a decision or impose a settlement upon the parties. The mediator shall attempt to focus the attention of the parties upon their needs and interests rather than upon their positions. Any settlement is entirely voluntary. In the absence of settlement, the parties lose none of their rights to a resolution of their dispute through litigation.

VI. Either party may move to have the mediator replaced for good cause.

VII. Mediation proceedings shall be held in private, and all communications, oral or written, made during the proceedings, which relate to the issues being mediated, whether made by the mediator, or a party, or any other person present, shall be privileged and confidential and shall not be disclosed and shall not be admissible in court, except as provided in RSA 328-C:9.

VIII. Any mediated agreement reached by the parties on all or some of the disputed issues shall be reduced to writing, signed by each party, and filed with the court as soon as practicable.

IX. The parties shall participate at mediation in good faith. If the mediator determines that mediation is not helpful in resolving the dispute, the mediator shall report that fact to the court and return the matter to the court for adjudication of the underlying issues.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill permits the court to order mediation in divorce proceedings if either party requests mediation or at the court's discretion.

HB 1424, relative to persons permitted to attend child abuse and neglect hearings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargasz for Children and Family Law: In child abuse and neglect hearings that are not open to the public, parties are allowed to invite other persons to the hearing with prior approval of the court. It also allows the court to provide docket information to invited persons. Vote 14-0.

Amendment (0644h)

Amend the bill by replacing section 1 with the following:

1 Child Abuse and Neglect Hearings; Persons Permitted to Attend. Amend RSA 169-C:14 to read as follows:

169-C:14 Hearings not Open to the Public. The general public shall be excluded from any hearing under this chapter and such hearing shall, whenever possible, be held in rooms not used for criminal trials. Only such persons as the parties, their witnesses, counsel and representatives of the agencies present to perform their official duties shall be admitted, *except that other persons invited by a party may attend, with the court's prior approval. The court may provide docket information to invited persons.*

HB 1516, relative to the modification and enforcement of child support orders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Children and Family Law: This bill, as amended, allows adjusting for errors in child support orders. It allows for reimbursement of overpayment and permits modification based on a change in custody. Vote 14-0.

Amendment (0697h)

Amend the bill by replacing all after the enacting clause with the following:

1 Adjustments to Child Support Guidelines Under Special Circumstances; Prior Order Contrary to Law or Unjust. Amend RSA 458-C:5, I(j) to read as follows:

(j) *A determination that the prior order was contrary to law or unjust, considering the needs of the child.*

(k) Other special circumstances found by the court to avoid an unreasonably low or confiscatory support order, taking all relevant circumstances into consideration.

2 Child Support Guidelines; Modification of Order; Grounds for Modification. Amend RSA 458-C:7, I to read as follows:

I. ~~[The obligor or obligee may apply to the court or, when the department of health and human services has issued a legal order of support pursuant to RSA 161-C, to the department, which ever issued the existing order, for modification of such order 3 years after the entry of the last order for support, without the need to show a substantial change of circumstances. This section shall not prohibit the obligor or obligee from applying at any time for a modification based on substantial change of circumstances.]~~ *A child support order may be modified if:*

(a) *Three years have elapsed since the entry of the last order for support;*

(b) *Either party demonstrates a substantial change in circumstances;*

(c) *The parties agree to a change in the child support amount;*

(d) *The court has removed the child from the custody of the obligee pursuant to RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463 or from the residential responsibility of the obligee under RSA 461-A; or*

(e) *The parties agree on a change in residential responsibility or designation of obligee.*

3 New Paragraphs; Modification of Order. Amend RSA 458-C:7 by inserting after paragraph II the following new paragraphs:

III. The court may correct or void a child support order to:

(a) Correct an error in calculation that is apparent on the face of the order or is readily provable by documentary evidence.

(b) Correct fraud upon the court.

(c) Credit a parent for a direct expenditure made, with the consent of the other parent, in lieu of child-support payment.

(d) Reflect a period during which an arrearage accrued because the obligor was precluded from filing a petition for modification by reason of a significant physical or mental disability or misrepresentation by another party, if the parent thereafter promptly filed for modification.

IV. The court may approve a settlement by the parties that reduces the amount owed under an existing child support order if the settlement is consistent with the interests of the child.

V. If a child support order provides for future review or modification at a specified interval of 3 years or less, such modification shall not be effective prior to the date that notice of the petition for modification has been given to the respondent, unless the parties agree otherwise. "Notice" shall have the same meaning as in paragraph II.

VI. If the modification of a support obligation results in an overpayment of support, the court shall order, absent a showing of undue hardship, the obligee to directly reimburse the obligor for such overpayment of support or order an adjustment to the modified support obligation not to exceed the amount of the support overpayment for the purpose of reimbursement. Additionally, the obligor shall have a right to seek reimbursement for any overpayment that occurs during the pending modification action from the effective date of the modification to the date of issuance of the court order. In the event the parties cannot reach an agreement on repayment, either party shall have the right to request an immediate hearing to adjudicate reimbursement in an amount and frequency as determined by the court to be fair and equitable.

4 Parental Rights and Responsibilities; Orders for Support; Effect of Modification. Amend RSA 461-A:14, VI to read as follows:

VI. All support payments ordered or administered by the court under this chapter shall be deemed judgments when due and payable. Such judgments shall be given full faith and credit by all jurisdictions of this state. *However, if due to an error in calculation or fraud, the order did not comply with RSA 458-C when ordered, the order shall be corrected effective with the original order date.*

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Permits the court to deviate from the child support guidelines if the court determines that a prior child support order was contrary to law or unjust.

II. Permits modification of a child support order based on a change in custody under the juvenile statutes or guardianship statute, a change in residential responsibility, or by mutual agreement of the parties.

III. Clarifies the effective date of a child support modification contained in a child support order.

IV. Establishes that the obligor has a right to seek reimbursement from the obligee for an overpayment that occurred during a pending modification.

HB 1561, relative to equal treatment for fathers in the determination of parental rights and responsibilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Harriet E. Cady for Children and Family Law: This bill was not needed as HB 640 was enacted and addressed the issue of equal support. Vote 14-0.

HB 1583, relative to grounds for modification of parental rights and responsibilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David A. Bickford for Children and Family Law: This bill, as amended, allows parents to ask the court for a modification of parental rights and responsibilities based on a substantial change in circumstances or once every three years. The bill also adds the "Butterick" decision about mature children being allowed to express their preference for the modification of a parental plan. Vote 15-0.

Amendment (0497h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Grounds for Modification of Parental Rights and Responsibilities; Substantial Change in Circumstances; 3-Year Modification; Preference of Mature Minor. Amend RSA 461-A:11, I by inserting after subparagraph (d) the following new subparagraphs:

(e) A parent petitions the court for modification based on a substantial change in circumstances, or 3 years have passed since the entry of the last order concerning parental rights and responsibilities.

(f) If the court finds that a minor child is of sufficient maturity to make a sound judgment about his or her proper custody, the court may give substantial weight to the preference of the mature minor child as to the parent with whom he or she wants to live. Under these circumstances, the court shall also give due consideration to other factors which may have affected the minor child's preference, including, but not limited to, whether the minor child's preference was based on undesirable or improper influences.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits the court to modify a prior determination of parental rights and responsibilities based on a substantial change of circumstances or once every 3 years. The bill also permits the court to give substantial weight to the preference of a mature minor in the modification of parental rights and responsibilities.

HB 1585, relative to enforcement of orders regarding parenting plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen K. McRae for Children and Family Law: The bill, as written, allows for an expedited hearing for enforcement of a court ordered parenting plan. The amendment deletes the ability of the Department of Health and Human Services to use an enforcement order as the reason for initiating an investigation of abuse and neglect. Vote 12-2.

Amendment (0579h)

Amend RSA 461-A:9-a, V as inserted by section 1 of the bill by replacing it with the following:

V. The department of health and human services shall receive a copy of any order to enforce a parenting plan issued under this section.

AMENDED ANALYSIS

This bill establishes an expedited hearing process for motions to enforce parenting plans.

HB 1586, prohibiting enforcement of support orders for college or other postsecondary education expenses. **REFER FOR INTERIM STUDY.**

Rep. Karen K. McRae for Children and Family Law: The committee raised many questions as to how to handle multiple issues of retroactivity, constitutionality and fairness to all parties involved. Given the time frame for reporting bills out, an interim study was voted the best vehicle at this time. Vote 9-3.

HB 1610-FN, relative to a determination of incompetence under the CHINS statute. **REFER FOR INTERIM STUDY.**

Rep. Karen K. McRae for Children and Family Law: The committee voted for interim study in order to explore the problems presented in testimony and to come up with a solution that will serve the few mentally ill children who are falling through the cracks of existing statutes and programs. Vote 15-0.

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sheila A. Foote for Children and Family Law: This bill identifies the Department of Health and Human Services and the Department of Education as the agencies programmatically and financially responsible for board and care general and special education services respectively for those children who are in court-ordered residential placements pursuant to RSA 169-B (Delinquency), RSA 169-C (Child Protection), RSA-169 D (Children in Need of Services) or RSA 463 (Guardianship of Minors), whose legal custodians reside out-of-state, and who have no New Hampshire or out-of-state school

district assuming liability for educational services. In addition, this bill gives standing to one or more school districts and the Department of Health and Human Services in the determination of legal residence dispute resolution process at the Department of Education. Vote 14-0.

Amendment (0603h)

Amend RSA 193:12, V-b as inserted by section 2 of the bill by replacing it with the following:

V-b. Whenever a dispute arises [~~between 2 or more school districts~~] *among one or more school districts, the department of health and human services, or one or more of the previously mentioned parties*, as to the residency of a child who is in the legal custody or guardianship of the department of health and human services, or who has been placed pursuant to a court order in a proceeding under RSA 169-B, RSA 169-C, RSA 169-D, or RSA 463, the department of health and human services may request in writing that the [respective] superintendents *involved* resolve the dispute. If the residency dispute remains unresolved 10 days after such request, the department of health and human services may request that the commissioner of the department of education determine the residence of the child. The child may attend school in the district in which the child has been placed by the court or the department of health and human services pending the resolution of the residency dispute. Liability as to the cost of school attendance provided under this paragraph shall be determined by the commissioner of education.

HB 1720-FN, relative to notice of parent liability in CHINS proceedings. OUGHT TO PASS WITH AMENDMENT.

Rep. Eileen C. Flockhart for Children and Family Law: Given the need for greater clarity for parents involved in CHINS petitions for their children, this bill requires the court to provide both parents, as well as any other person who may be liable for expenses incurred on behalf of the child, with a copy of the petition and notice of liability. Vote 14-0.

Amendment (0682h)

Amend the bill by replacing all after the enacting clause with the following:

I Children in Need of Services; Petition; Notice of Liability. Amend RSA 169-D:5, I to read as follows:

I. A petition alleging a child is in need of services may be filed by a parent, legal guardian or custodian, school official, or law enforcement officer with a judge or clerk of the court in the judicial district in which the child is found or resides. The petition shall be in writing and verified under oath. *The following notice shall be printed in bold type on the first page of the petition: "Pursuant to RSA 169-D:29, parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding, including the costs of certain evaluations and placements. RSA 186-C regarding educationally disabled children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."*

2 New Paragraph; Children In Need of Services; Notice to Parents of Potential Liability. Amend RSA 169-D:5 by inserting after paragraph VI the following new paragraph:

VII. The court shall serve both parents, and any other individual chargeable by law for the child's support, with a copy of any petition filed under this section. The court shall request the appropriate contact information from the party filing the petition.

3 Children in Need of Services; Summons; Notice of Potential Liability. Amend RSA 169-D:6, III to read as follows:

III. The summons shall state as follows: *"Pursuant to RSA 169-D:29, parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C regarding educationally disabled children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires all CHINS petitions to include a notice of potential liability on the first page. The bill also requires the court to provide both parents, as well as any other person who may be liable for expenses incurred on behalf of the child, with a copy of the petition and notice of liability.

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in abuse and neglect cases. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn M. Gargasz for Children and Family Law: The pilot project that opens child abuse and neglect hearings to the public is expanded from Grafton and Rockingham Counties to also include Sullivan County. The pilot project is extended for two years to June 30, 2008. This bill allows the court to provide hearing schedule information to members of the public qualified to attend. Vote 15-0.

Amendment (0663h)

Amend the title of the bill by replacing it with the following:

AN ACT extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases.

Amend the bill by replacing section 1 with the following:

1 Court Pilot Project Continued and Expanded; Confidentiality. Amend the section heading and paragraphs I and II of 2002, 243:2 as amended by 2004, 221:1 to read as follows:

243:2 Abuse and Neglect Hearings in the Grafton [and], Rockingham, and Sullivan County Courts; Pilot Project.

I. A pilot project in the Grafton [and], Rockingham, and Sullivan county courts is established to assess opening hearings in child abuse and neglect cases to *members of the public qualified by the court*, absent a finding that opening the hearing or that disclosure of some or all of the evidence would be contrary to the best interests of the child or would cause unreasonable harm to one or more of the parties.

II. All observers of and participants in hearings conducted under this section shall be subject to the confidentiality provisions of RSA 169-C:25; *except that information regarding court hearing schedules may be provided by the court to members of the public qualified by the court to attend such hearings.*

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill continues the pilot project relative to abuse and neglect hearings for 2 years and extends the pilot project to Sullivan county.

The bill also clarifies that information relating to hearing schedules is exempt from the confidentiality provisions under the Child Protection Act, for purposes of the pilot project.

HB 1733-FN, establishing a reporting system for court decisions relative to residential responsibility under parenting plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Stuart Gile for Children and Family Law: This bill, as amended, requires the court to provide the registrar of vital records with certain information regarding parental rights and responsibilities. Such information includes decision making responsibility for the child, whether residential responsibility shall be shared equally or approximately equal, the type of petition involved, the date of the order and the name of the hearing official. The bill also gives the division the authority to collect information relative to the determination of parental rights and responsibilities available to the public, upon request. Vote 11-0.

Amendment (0818h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Parental Rights and Responsibilities; Information Provided to State Registrar. Amend RSA 461-A by inserting after section 6 the following new section:

461-A:6-a Information Provided to State Registrar. Upon issuing or modifying a permanent order concerning parental rights and responsibilities, the court shall provide the following information to the state registrar:

I. Whether decision making responsibility for the child shall be with both parents, the mother, the father, or another person.

II. Whether residential responsibility shall be shared equally, or approximately equally, by the child's parents, or if it shall be primarily the responsibility of the mother, father, or another party.

III. The type of petition: a petition for divorce, annulment, separation, or determination of parental rights and responsibilities.

IV. The date of the order relative to parental rights and the date of the divorce decree, if any.

V. The name of the hearing official.

2 New Section; Vital Records Administration; Record of Parental Rights and Responsibilities. Amend RSA 5-C by inserting after section 61 the following new section:

5-C:61-a Record of Parental Rights and Responsibilities. The division shall collect information relative to the determination of parental rights and responsibilities from the courts, pursuant to RSA 461-A:6-a. Such information be available to parties with a tangible interest in the record. The department also shall make statistical information relative to the determination of parental rights and responsibilities available to the public, upon request.

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill requires the court to provide the registrar of vital records with certain information regarding parental rights and responsibilities. The registrar shall provide statistical information relative to the determination of parental rights and responsibilities to the public, upon request.

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Clark for Commerce: This bill came to us as a request of the Secretary of State's Office. In the last session we passed legislation intended to strengthen our late fee registration law. It turned out to be an object lesson in "unintended consequences." The solution turned out to be worse than the problem. We recommend this bill as corrective legislation. Vote 14-0.

Amendment (0755h)

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Reimbursement of Late Fees. The secretary of state shall reimburse any business entity, not included in section 5 of this act, late fees in excess of \$50 on annual returns paid by the business entity from May 1, 2005 through June 30, 2006.

Referred to the committee on Ways and Means.

HB 1372, establishing a committee to study affordable and accessible health care services for all uninsured citizens of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles L. Clark for Commerce: The sponsors decided not to pursue this bill as the subject matter of the bill is already being dealt with in other bills. Vote 18-0.

HB 1440, prohibiting the sale of certain pets. **INEXPEDIENT TO LEGISLATE.**

Rep. Stella Scamman for Commerce: This bill attempted to further regulate pet sales giving more options for consumers to deal with unhealthy pets. Last year a very similar bill was voted ITL by the committee and the House. We did not feel this bill should appear before us again in the same biennium. Vote 16-0.

HB 1549, excluding certain acts based on bona fide economic and public safety considerations from the prohibition against age discrimination in public accommodations. **REFER FOR INTERIM STUDY.**

Rep. Stephen T. DeStefano for Commerce: This bill is being sent to interim study. Currently private property owners extend overnight accommodations when they feel that they have an economic or public safety issue. The New Hampshire Commission for Human Rights wanted to make sure that we did not create an exception that would make our laws different from federal law. Both the sponsors and the New Hampshire Commission for Human Rights were committed to try and draft a bill that did not conflict with federal law, but help protect the rights of real property owners and inn keepers. Vote 15-3.

HB 1562, relative to fertility insurance coverage for out-of-state coverage holders who are living in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill would require that an insurer providing fertility insurance under a group insurance policy to a Massachusetts employer extend that benefit to employees residing in New Hampshire. The only way this could be addressed under New Hampshire law would be by New Hampshire mandating fertility coverage on all New Hampshire group policies. As New Hampshire does not do this, the matter would have to be addressed through the Massachusetts legislature or insurance department. Vote 18-0.

HB 1570, relative to health insurance coverage for part-time college students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen B. Stepanek for Commerce: The committee felt that this bill did not go far enough. This issue came up when Michelle's law was before this committee. Currently full-time college students or full-time college students who are forced to a part time status due to an illness (Michelle's Law), or college students forced to take a medical leave of absence are covered under their parents' family plan. This bill would allow all part-time students to remain on their parents' family plan. The committee felt it was time to truly address this issue once and for all. The amendment provides that dependent children shall include unmarried children under the age of 24 who are financially dependent upon the parent and who either have the same legal residence as the policy holder, or are full-time or part-time students. Once coverage for a child over the age of 19 is removed from a parent's policy, after no longer qualifying under this subparagraph, such coverage shall not be resumed. Vote 18-0.

Amendment (0756h)

Amend the bill by replacing sections 1 and 2 with the following:

1 Individual Insurance Policies; Dependent Children. Amend RSA 415:5, I(3) to read as follows:

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any 2 or more eligible members of that family, including husband, wife, dependent children, or any children under a specified age which shall not exceed 18 years and any other person dependent upon the policyholder; *provided, that dependent children shall include unmarried children under the age of 24 who are financially dependent upon the parent and who either have the same legal residence as the policy holder or are full-time or part-time students. Once coverage for a child over the age of 19 is removed from a parent's policy after no longer qualifying under this subparagraph, such coverage shall not be resumed;* and

2 Group Insurance Policies; Dependent Children. Amend RSA 415:18, IV to read as follows:

IV.(a) Any such group or blanket policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, his or her spouse, child or children, or other dependents, and may provide that any such benefits be paid by the insurer directly to the hospital, physician, surgeon, doctor, nurse, or other person furnishing services covered by such provision of said policy.

(b) *Dependent children shall include unmarried children under the age of 24 who are financially dependent upon the parent and who either have the same legal residence as the policy holder or are full-time or part-time students. Once coverage for a child over the age of 19 is removed from a parent's policy after no longer qualifying under this subparagraph, such coverage shall not be resumed. This subparagraph shall also apply to group hospital health service plan contracts issued pursuant to RSA 420-A, and to health maintenance organization policies and plans pursuant to RSA 420-B.*

AMENDED ANALYSIS

This bill extends insurance coverage to certain unmarried children under the age of 24.

HB 1723-FN, relative to health care and health insurance data. **REFER FOR INTERIM STUDY.**

Rep. Stephen B. Stepanek for Commerce: After a public hearing and several subcommittee meetings, the committee had more questions than answers. The one thing that everyone did agree on was that the intent of the bill was good and we all saw the need to do something in this area. The added complication was that the insurance department determined that they would need \$350,000.00 to implement this proposed bill. In the end it was felt that this bill should be referred to interim study with a commitment by all parties that they would work on this issue between now and next fall. Vote 18-0.

HB 1171, relative to the violation of protective orders. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: New Hampshire's protective order statute was the result of a long deliberative process. The existing law has served our state well. The changes proposed in this bill would create confusion and ambiguity, making an already tense situation a dangerous one for the parties involved. While the committee is sympathetic to the concerns raised by the sponsor, we believe that the existing process allowing for a judicial modification of a protective order adequately protects both the rights and safety of the parties involved. Therefore, we join the Attorney General in recommending that this bill be found Inexpedient to Legislate. Vote 16-0.

HB 1231-FN, relative to the penalty for assaulting a firefighter, emergency medical technician, or law enforcement officer. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill provides for enhanced penalties for assaulting a paid firefighter, volunteer firefighter or on-call firefighter, or a licensed emergency medical care provider as defined in RSA 153-A:2v, acting in the line of duty. Vote 14-0.

Amendment (0748h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer.

Amend RSA 651:6, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) Has knowingly committed or attempted to commit any of the crimes defined in RSA 631 where he or she knows the victim was, at the time of the commission of the crime, a law enforcement officer, *a paid firefighter, volunteer firefighter, or on-call firefighter, or licensed emergency medical care provider as defined in RSA 153-A:2, V* acting in the line of duty;

AMENDED ANALYSIS

This bill provides for enhanced penalties for assaulting a law enforcement officer, firefighter, or licensed emergency medical care provider.

HB 1246-FN, relative to assault on law enforcement, corrections, and probation-parole officers. **INEXPEDIENT TO LEGISLATE.**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: The committee felt this matter is in current law, (RSA 631) in that corrections, probation and parole officers were included in the definition of "Law Enforcement Officers." Vote 14-0.

HB 1292, relative to the application of the capital murder statute. **INEXPEDIENT TO LEGISLATE.**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill, as introduced, eliminates the provision of the death penalty for those who commit capital murder (RSA-630:1). This could be imposed for knowingly causing the death of a law enforcement officer, a judicial officer or another, during crimes of kidnapping, criminal solicitation, acts of aggravated felonious sexual assault, certain drug offense cases and those who are sentenced to life imprisonment without parole. The sponsor stated that his intent was not to eliminate the capital murder statute. Rather, his intent was to expand it to include those found guilty of other numerous crimes. The committee felt that where the death penalty has not been imposed since 1939, there is no problem with the current law. Vote 16-0.

HB 1361, relative to the penalty for shoplifting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill, as amended, addresses the recovery of civil damages agreed upon between a merchant and shoplifter in shoplifting cases. This agreement is currently in place under RSA 544-C:1. This law, which has been unchanged since enacted in 1992, provides for a civil settlement agreement of \$200 in civil damages to be paid to the merchant plus the return of the merchandise, or replacement thereof, in lieu of criminal proceedings. This bill, as amended, raises the civil damages to "up to \$400." This bill was requested by the Retail Merchants Association in response to the rising costs of loss prevention, merchandise and court proceedings. Vote 15-3.

Amendment (0409h)

Amend RSA 544-C:1 as inserted by section 1 of the bill by replacing it with the following:

544-C:1 Recovery of Civil Damages for Shoplifting.

I. For purposes of this chapter, "shoplifting" shall mean shoplifting or willful concealment as defined in RSA 644:17.

II. A person who shoplifts shall be liable for civil damages to the merchant [~~in the amount of \$200~~] **up to \$400** plus the merchandise or the value of the merchandise if it has been damaged or rendered unrecoverable.

III. A merchant may recover civil damages for shoplifting by bringing suit in a district court or by executing a settlement agreement in the form set out in paragraph IV of this section.

IV. A merchant and a person accused of shoplifting by such merchant may agree to execute a civil settlement agreement for [~~\$200~~] **up to \$400** in civil damages, plus the return of the merchandise or the replacement value of the merchandise within 60 days of the date the agreement is signed. The form of the settlement agreement shall be as follows:

Settlement of Claim for Taking Merchandise Without Payment

The undersigned, _____, having failed to pay for certain merchandise, more specifically described as follows _____, hereby agrees to pay, within 60 days of the date this agreement is signed, civil damages [~~in the amount of \$200~~] **up to \$400**, plus the merchandise or the replacement value of the merchandise. The parties agree that this payment shall constitute full and complete payment of damages to the following establishment _____. The following establishment _____ agrees to waive any and all claims it may have for civil damages.

Nothing in this agreement shall constitute an admission of guilt for purposes of criminal law. If this agreement is signed and payment is made in full within 60 days, no police report or criminal complaint will be filed by the merchant relative to this incident. However, nothing in this agreement can or will bar the state of New Hampshire from instituting such criminal prosecutions as it deems necessary.

Party #1

Party #2 for the following establishment:

HB 1387, relative to emergency management powers of the governor concerning medical and health care professionals from other jurisdictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill was voted Inexpedient to Legislate at the sponsor's request. Vote 16-0.

HB 1406-FN, adding to the penalty provisions of the controlled drug act and relative to fines for violations of the controlled drug act. **REFER FOR INTERIM STUDY.**

Rep. E. Albert Weare for Criminal Justice and Public Safety: Several issues were raised concerning the penalty provisions of the bill and the addition of new fines. The intent of the bill has merit, but needs more study than can be accomplished during this session. Vote 15-0.

HB 1410-FN-L, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. **OUGHT TO PASS.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The intent of this bill is to set a period of 30 days for inmates who have been found guilty and sentenced to State Prison, but are awaiting a pre-sentence investigation at county level. Examples were given that it was not uncommon to have the pre-sentence investigation take over 60 days in some cases to be completed. Counties will now have the ability to charge a per diem rate for those days beyond 30. Vote 17-0.

HB 1453-FN, relative to fireworks. **INEXPEDIENT TO LEGISLATE.**

Rep. Bob M. Fesh for Criminal Justice and Public Safety: This bill would have major ramifications in the way fireworks are offered for sale and used in New Hampshire. This bill may intend to segregate display fireworks and all permissible fireworks to RSA 160-B&C respectively and to simplify the fireworks regulations. However, it will weaken the sale and use of permissive fireworks by removing state regulation from licensing authority, educational and inspection requirements. It removes the requirement for a person to have a state license to sell permissible fireworks. It also removes the requirement for a stand alone building with a sprinkler system for the retail sales area for permissible fireworks. This means that any place such as a large retail chain, or the corner store could sell permissible fireworks alongside fruits and vegetables. The Department of Safety opposes this bill as do the majority of New Hampshire fireworks dealers. The entire Department of Safety rulemaking authority has been removed. Only the sponsor favored this bill. Vote 17-0.

HB 1467-FN, requiring the registration of drug offenders. **INEXPEDIENT TO LEGISLATE.**

Rep. E. Albert Weare for Criminal Justice and Public Safety: The establishment of a drug offender registration list with provisions similar to the sexual offender list is too demanding and costly to the Department of Safety and would provide very little value to the Drug Enforcement Program, or drug use problems throughout our communities. Vote 18-0.

HB 1476, relative to electronic tracking and monitoring of sexual offenders. **REFER FOR INTERIM STUDY.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill is closely related to HB 1692, the so called "Sexual Predator." Since the subject matter will be covered in HB 1692, the committee felt this bill should go to Interim Study pending the final outcome of HB 1692. Vote 15-0.

HB 1538, relative to penalties for toll evasions. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: The sponsor asked to have this bill found ITL as it is no longer needed. A Senate bill is already addressing the issue. Vote 14-0.

HB 1645-FN, relative to fireworks permit fees and the position of permissible fireworks inspector. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob M. Fesh for Criminal Justice and Public Safety: This bill, as amended, requires the operator of a professional fireworks display to transmit a copy of the completed display permit issued by the town, city or village district to the Department of Safety 48 hours prior to the date of the event. Section 2 of the bill changes a seasonal fireworks inspector to a full-time classified position under the direction and supervision of the State Fire Marshall. Section 3 addresses individuals under 21 years of age, but at least 16 years of age to handle and sell permissible fireworks under the direct supervision of a person 21 years of age or older. This is allowed under the federal "Fair Labor Standards Act" which exempts employment in retail. Vote 15-3.

Amendment (0747h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to fireworks display permits, the position of permissible fireworks inspector, and the sale of permissible fireworks.

Amend the bill by replacing all after the enacting clause with the following:

1 Requirements for the Display of Fireworks; Permit Fee. Amend RSA 160-B:7, V to read as follows:

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city, or village district may charge a reasonable fee for a permit to display fireworks. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held on the date permitted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 days before the date for which such permit is granted so that a fire hazard exists, the chief may revoke the permit. *At least 48 hours prior to the date of display, the operator of the display shall transmit a copy of the completed display permit, approved by the town, city, or village district, to the department of safety.*

2 Permissible Fireworks Inspector. Amend the introductory paragraph of RSA 160-C:17 to read as follows:

160-C:17 Permissible Fireworks Inspector. There is hereby established in the office of the state fire marshal the [~~seasonal~~] *full-time classified* position of permissible fireworks inspector. The permissible fireworks inspector *shall be under the direction and supervision of the state fire marshal and* shall:

3 Minimum Age for Sale of Permissible Fireworks. Amend RSA 160-C:3, VIII to read as follows:

VIII. No person under the age of 21 shall be engaged in the business of handling or selling any permissible fireworks; provided, however, that a person less than 21 years of age but at least [~~18~~] *16* years of age may handle and sell permissible fireworks at a licensed sales location if he or she is under the direct supervision of a person 21 years of age or older.

4 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill:

I. Requires that the display permit be submitted to the department of safety at least 48 hours prior to the display.

II. Makes the position of permissible fireworks inspector a full-time, rather than seasonal, position.

III. Lowers the minimum age to sell permissible fireworks from 18 to 16 years of age.

Referred to the committee on Finance.

Rep. Pelkey declared a conflict of interest and did not participate.

HB 1662-FN, establishing the crime of peonage. **OUGHT TO PASS.**

Rep. Timothy N. Robertson for Criminal Justice and Public Safety: Peonage is defined as involuntary servitude of another. Currently this crime exists only in federal law and covers only the most notorious occurrences. Missing in New Hampshire law is a tool to prosecute those no less egregious, but not "federal" cases including pimping, drug mules, gang members and contractor abuse of legal and non-legal immigrants. This bill is a Human Rights bill supported in a bipartisan fashion designed to help protect those in need. This bill, when made law, becomes a powerful tool in the prosecution of several crimes. It is an added charge in numerous instances and provides protections to all residents which are currently absent from New Hampshire statutes. As public policy, the committee felt this bill fills a gap, provides additional weapons to the arsenal of the state to protect all people's rights and will deter those who prey on the most vulnerable among us. Vote 17-1.

HB 1665-FN, creating an offense for the injury of another resulting in miscarriage or stillbirth. **INEXPEDIENT TO LEGISLATE.**

Rep. Lori A. Movsesian for Criminal Justice and Public Safety: This bill is unnecessary. New Hampshire law already imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage or stillbirth. The penalties are covered in statute under first degree assault RSA 631:1 (c) and second degree assault RSA 631:2 (e). Vote 15-3.

HB 1412-FN, establishing a remedy for failing to file a copy of the annual town report with the department of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy E. Easson for Education: This bill would require the education commissioner to withhold state aid for education if a town is late in complying with the requirement to file a copy of the town report with the Department of Education. The committee determined that it is wrong to punish school districts for an offense they did not commit. Vote 15-0.

HB 1432, establishing a commission on special education funding. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Education: The committee strongly believes that the entire subject of special education should be comprehensively studied and reviewed. However, this bill is not the appropriate vehicle for that study, particularly because of its unwieldy size and composition. Vote 15-0.

HB 1685-FN, establishing a special needs scholarship program. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire D. Clarke for Education: This bill was introduced as part of model legislation developed nationally. The committee will be working in an ad hoc committee to address all issues presented to the committee this session related to special needs students. Vote 16-0.

HB 1165, relative to absentee voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard B. Drisko for Election Law: The intent of this bill is to permit any person who does not wish to vote at the polling place eligibility to vote by absentee ballot. The committee retained five bills addressing absentee ballots: HB 221, passed by the House in early January, permitted workers unable to appear at the polling place because of work commitment to be eligible to vote by absentee ballot; HB 380 addressed absentee voting by emergency responders. Providing eligibility to vote absentee with the passage of these bills, the majority of the committee felt absentee voting had been broadened sufficiently. Vote 11-2.

HB 1173, relative to designating the clerk in municipalities with multiple polling places the chief elections officer for the municipality. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jane A. Clemons for Election Law: This bill designates city clerks to be the chief election officers for the cities. It applies only to cities with multiple polling places. It has no impact on definition of town moderators or towns in any way. Simply, it allows an election dispute in a city to be addressed by the city clerk with the secretary of state having the final word if no resolution has been met. Vote 13-0.

Amendment (0596h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to designating the clerk in cities the chief elections officer for the city.

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Elections; Terms and Definitions; City Chief Elections Officer. Amend RSA 652 by inserting after section 14 the following new section:

652:14-a City Chief Elections Officer. The city clerk shall be the chief elections officer with authority to establish uniform practices and procedures that conform to state and federal law for all elections conducted by the city.

2 New Section; Conduct of Voting; City Chief Elections Officer Duties. Amend RSA 659 by inserting after section 9 the following new section:

659:9-a City Chief Elections Officer Duties. The city chief elections officer shall establish uniform practices and procedures that conform to state and federal law for the conduct of elections at all polling places within the city. The moderators and other election officials who conduct elections at the individual polling places within the city shall comply with the uniform procedures established for the city by the city chief elections officer. The secretary of state shall resolve any conflicting interpretations of state and federal laws arising between the chief elections officer and other election officials. The legislative body of any city may vote to have the duties of the ward officers relative to the selection and equipping of polling places assigned to the city chief elections officer.

AMENDED ANALYSIS

This bill designates the city clerk the chief elections officer for the city.

HB 1311-FN-A, relative to the electronic filing of reports and applications with the secretary of state and relative to certain fees paid to the secretary of state. **OUGHT TO PASS WITH AMENDMENT.** Rep. Charles F. Weed for Election Law: This bill addresses new filing and reporting requirements for candidates, committees and lobbyists passed by the legislature and required by the Help America Vote Act (HAVA). Reports can be more efficient, readable and accessible to the public through electronic filing. Those with responsibility to file may continue to meet their obligations by using paper forms; however, software for electronic filing has been purchased along with other tools available through HAVA. Electronic filers shall receive immediate confirmation of their filing from the secretary of state's office. In order to offset some of the costs associated with filing and accessibility, the committee unanimously supports an increase in lobbyist registration fees from \$50 to \$100 per employer and from \$50 to \$75 for each political committee registration fee. We found compelling information that the last fee increase for lobbyists was in 1986. In the past 20 years, the budget for the secretary of state's office has increased drastically. Doubling the registration fee for lobbyists will make a small dent in both the costs and newly mandated functions of the Department of Secretary of State. Vote 13-0.

Amendment (0574h)

Amend RSA 5:4-b, I as inserted by section 1 of the bill by replacing it with the following:

I. The secretary of state may establish a system of electronic filing and reporting for financial disclosure reports and applications which are required by law to be filed with the secretary of state and which by law are public documents. The system may include, but is not limited to, lobbyist registration, lobbyist fees, and expenditure statements pursuant to RSA 15, candidate financial disclosure pursuant to RSA 15-A, campaign political committee registration, contribution, and expenditure reports pursuant to RSA 664, notary public applications for commission pursuant to RSA 455, justice of the peace applications for commission pursuant to RSA 455-A, and such other public documents that are required to be filed with the secretary of state as the secretary of state may from time to time determine. The secretary of state shall continue to accept paper filings as an alternative to any electronic filings accepted pursuant to this paragraph.

Amend RSA 5:4-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The secretary of state shall provide legislators and other persons with a duty to file with access through the Internet using a password-protected secure connection. At least one computer terminal for public access to the system shall be maintained at the office of the secretary of state at the state house and at least one access point available to the public shall be maintained at the state record and archives center. To the extent practical, each person with a duty to file shall be issued notice of his or her filing obligation and the information necessary to access the electronic filing system when the secretary of state receives notice of the person's election, appointment, commissioning, registration, or filing for office. Upon receipt of an electronic filing, the secretary of state shall send the filer an electronic certification of receipt of the filing.

Referred to the committee on Ways and Means.

HB 1239-FN, relative to dog licensure. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill would allow a dog to obtain a dog license if, for health reasons, it cannot be vaccinated against rabies. Rabies shots are administered every three years. Consequently, chances are extremely remote that an animal for health reasons would be outside the three year window of protection. The committee unanimously agrees that the risk to human life outweighs any exception to current state law. Vote 14-0.

HB 1393, requiring horse owners to inoculate horses against eastern equine encephalitis. **INEXPEDIENT TO LEGISLATE.**

Rep. James F. Powers for Environment and Agriculture: Although well intentioned, this bill would not provide any public health benefits. Medical evidence presented to the committee indicates that eastern equine encephalitis cannot be transmitted by any means, including a mosquito, from an infected horse to a human. Mosquitoes acquire the disease from birds, and can pass it on to humans or horses, but cannot transmit it from horses to humans. Vote 14-0.

HB 1416-FN-A, relative to the promotion, acquisition, and retention of a large animal veterinarian in the north country, and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Burton W. Williams for Environment and Agriculture: This bill would provide a dedicated fund for monies to pay off the medical school debt of large animal veterinarians who locate within the state. Because of the complexity and severity of the problem and because New Hampshire already provides grants to two students, but does not require that they practice in this state when they complete their education, the committee voted interim study in order to work on this bill so that it achieves its goal. Vote 13-0.

HB 1110, relative to exemptions from licensing requirements for athletic trainers. **INEXPEDIENT TO LEGISLATE.**

Rep. Nelson S. Allan for Executive Departments and Administration: Current statute exempts "athletic trainers not residents of this state" accompanying their teams or running a sports camp from licensing requirements, "provided such athletic trainers are currently licensed, certified or registered in any state or Canada, or are currently certified by the National Athletic Trainers Association Board of Certification." The committee agrees with the Board of Athletic Trainers that this exemption should apply to a New Hampshire resident who works in another state and meets the licensure certification or registration requirements cited above. The committee, however, finds an attendant provision requiring that such exempt athletic trainers register with the board would be difficult, if not with high school, middle school or youth leagues, at least with collegiate and semi-professional and professional athletic trainers. This solution is deemed to be worse than the problem with these unintended consequences. This bill, while well intentioned, starts the exemption from licensing concept down a slippery slope that the committee could not support. Vote 19-0.

HB 1114, relative to regulation by the board of licensure of interpreters for the deaf and hard of hearing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter F. Bergin for Executive Departments and Administration: The bill changes a requirement for an appointment to the board of licensure of interpreters for the deaf and hard of hearing to add at least two who are national level licensees. In addition, the amendment changes the license expiration date from January to September 1 in order to give the board time to get notification from national boards. Finally, the bill changes the requirements for non-resident interpreters in a court setting to be nationally certified. Vote 14-0.

Amendment (0483h)

Amend the bill by replacing all after section 2 with the following:

3 Exemptions From Licensure. Amend RSA 326-I:7, IV(a) to read as follows:

(a) Nonresident [~~certified or licensed~~] interpreters [~~working in this state fewer than 250 hours in the previous calendar year, or as otherwise qualified by rules by the board~~] *certified by the National Registry of Interpreters of the Deaf (RID) or the American Consortium of Certified Interpreters (ACCI), levels IV and V, who have completed RID-approved legal training or who hold a legal specialty certificate (RID SC:L) when working in court settings*, provided that such interpreter shall be subject to disciplinary proceedings of the board.

4 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill changes a requirement for an appointment to the board of licensure of interpreters for the deaf and hard of hearing, moves the renewal date for licensees, and changes the nonresident exemption.

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill addresses the definition of who is a teacher for the New Hampshire Retirement System, and requires that the proof of certification by the Department of Education, or the appropriate professional license in the case of licensed professionals (speech pathologists, nurses, etc.) shall be maintained by the employer and available to the retirement system upon request. It also changes the date for the fiscal committee to decide on COLA changes from February 1 to May 31. This will allow an extra four months to assess the monies that will be available in the special account to pay COLA's and medical benefits. Vote 14-0.

Amendment (0822h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances.

Amend the bill by replacing all after the enacting clause with the following:

1 Retirement System; Teachers. Amend RSA 100-A:1, VI to read as follows:

VI. "Teacher" shall mean any regular or special teacher, principal, supervisor or administrator, librarian or other member of the teaching or professional staff engaged in the service of the public elementary and secondary schools located within the state and supported by and under the control of the state, the local school district, or other employers of teachers eligible for membership in the system. For teachers who job share, teacher shall mean 2 individuals who share one position. *For purposes of membership as a teacher under this chapter, proof of appropriate certification by the department of education or appropriate professional licensure shall be maintained by the employer and available to the retirement system.*

2 Retirement System; Supplemental Allowances; Fiscal Committee Approval. Amend RSA 100-A:41-a, II to read as follows:

II. ~~[On February 1]~~ *No later than May 31* of each year, ~~[beginning in 1999,]~~ the fiscal committee of the general court may approve COLA's for the July 1 thereafter upon certification from the actuary of the amount of the COLA which may be granted to each member classification based on the funds available in the special account for each member classification. The actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13 or similar provisions of predecessor systems.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires employers of teachers in the retirement system to maintain proof of certification of its teachers and make such proof available to the retirement system.

This bill also changes the date for approval by the fiscal committee of cost of living adjustments for retirement system beneficiaries.

HB 1134, relative to membership of the state building code review board. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill adds a member of the Fire Prevention Society to the 16 member State Building Code Review Board. This board addresses the issue of public safety including building codes as they relate to fire prevention. The Fire Prevention Society members have particular expertise in this area and were thought to be an important addition to the review board by the committee. Vote 19-0.

HB 1156, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail. **OUGHT TO PASS.**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill provides statutory authority to the commissioner of safety to notify registered operators about public hearings on ski area passenger tramway rules via first class mail instead of registered mail. This change brings a considerable savings to the department's mail budget. Other notifications in the department are handled by first class mail. Vote 16-0.

HB 1181, establishing a committee to study the composition of the retirement system board of trustees. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Executive Departments and Administration: The sponsor of this bill recommended inexpedient to legislate because SB 385 has similar subject matter. Vote 17-1.

HB 1191, making technical corrections to the chapter governing vital records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilote for Executive Departments and Administration: This bill addresses house-keeping issues that were overlooked when the responsibilities in the administration of vital statistics were transferred from the department of health and human services to the department of state. The amendment eliminates section 2 of the bill dealing with the issuance of birth certificates. The provision of this section, including fees and the obligation to protect the confidentiality of adoptive birth records, are already included in other sections of the statute. The bill also addresses an overlooked needed change in regards to the signature of the secretary of state and not the commissioner of the department of health and human services on disinterment permits. Vote 17-0.

Amendment (0424h)

Amend the bill by deleting section 2 and renumbering the original sections 3-14 to read as 2-13, respectively.

AMENDED ANALYSIS

This bill makes technical corrections to the laws governing vital records, including correcting certain statutory cross-references, replacing a reference to the division of information technology with the office of information technology, and clarifying the department of state's authority to issue burial permits.

HB 1197, establishing a committee to study requiring state government to consider using open source software when acquiring new software. **INEXPEDIENT TO LEGISLATE.**

Rep. James B. Coburn for Executive Departments and Administration: A sub-committee discussed this issue and determined that the major main frame applications are probably not available in open source software. There is software called "open office" that is similar to a Microsoft product installed on most desktops. Upon checking with the Office of Information Technology, it was determined that the state does not have the technical resources to control or support such software. Vote 15-1.

HB 1264, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act. **OUGHT TO PASS.**

Rep. Peter F. Bergin for Executive Departments and Administration: This bill was requested by the secretary of state. It establishes an advisory committee to study the information practices act. In addition, while this study is underway, it establishes a temporary moratorium on reports filed under the information practices act. Vote 17-0.

HB 1415-FN-A, establishing the office of corrections ombudsman. **REFER FOR INTERIM STUDY.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill would establish the office of a correction ombudsman for the purpose of conducting independent investigations of complaints filed by employees and inmates of the Department of Corrections. Over the last few years, considerable concern has been expressed over both the number of complaints filed and the excessive expense of settlements paid. It would be the job of the ombudsman to investigate complaints and, potentially, save the state the millions of dollars presently being paid in settlements. Previously this bill received support of the Executive Department and Administration Committee, and the committee continues to express interest in the concept, but wants to gather and study all available current information. In addition, the committee believes our interim study would allow time for the new commissioner to become accustomed to his new position. Vote 16-1.

HB 1458-FN, relative to the regulation of landscape architects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: Currently all large projects in two New Hampshire communities as well as state projects require that plans have the seal of a licensed landscape architect. Since New Hampshire does not presently license landscape architects, these governmental entities must hire someone licensed in another state. The committee unanimously supports this bill which, in its preparation, had input and consensus of all stake holders including engineers, architects, agriculturists, horticulturists, tree experts, arborists, foresters, wetland scientists, landscape designers, landscape contractors, irrigation contractors, irrigation designers, garden or lawn caretakers or graders, and cultivators of the land. Vote 14-0.

Amendment (0872h)

Amend the bill by replacing section 3 with the following:

3 New Subdivision; Licensing Landscape Architects. Amend RSA 310-A by inserting after section 139 the following new subdivision:

Licensing Landscape Architects

310-A:140 Objective. A landscape architect, regulated by this chapter, shall undertake to perform professional services only when the landscape architect is qualified by education, training, and experience in the specific technical areas involved.

310-A:141 Definitions. In this subdivision:

I. "Landscape architect" means a person who, by reason of professional education or practical experience, or both, is qualified to engage in the practice of landscape architecture as attested by licensing as a landscape architect.

II. "Landscape architectural practice" means the performance of professional services in connection with the development of land areas where, and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the setting, approaches or environment for structures of other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazards, to the extent that such services protect public health, safety and welfare. The practice of landscape architecture shall include the location, design and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph, but shall not include the design, assessment, analysis or evaluation of structures or facilities with separate and self contained purposes, streets or highways, utilities, storm and sanitary sewer systems and appurtenant structures, and water and sewage treatment facilities such as are exclusive to the practice of professional engineers, natural scientists, or architects as defined in this chapter. Furthermore, this practice shall not include the making of land surveys or final land plats for official approval or recording, the official mapping of soils, or the analysis, testing and reporting of soil, and bedrock conditions, delineation of wetlands or determination of soil, surface, or groundwater related to hazardous waste contamination. The practice of landscape architecture shall include:

(a) Production of graphic and written material for use in the planning and design of land development programs including:

(1) Preparation, review and analysis of master plans and land development plans incidental to the practice of landscape architecture.

(2) Reconnaissance, planning, construction documents and specifications, and construction supervision incidental to the practice of landscape architecture.

(3) Providing professional services for feasibility studies and site selection incidental to the practice of landscape architecture.

(4) Providing professional advice on land preservation, restoration, conservation, reclamation, rehabilitation, management and development incidental to the practice of landscape architecture

(b) Consultation, research, stewardship, analysis, investigation, reconnaissance, and construction overview.

III. "Board" means the board of landscape architects.

IV. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization; organized for gain or profit, carrying on any business activity within the state.

310-A:142 Board of Landscape Architects; Establishment; Criteria; Terms; Compensation and Expenses; Meetings; Records and Reports; Roster.

I. A board of landscape architects is established to administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the governor and council, 4 of whom shall be landscape architects, and one public member. The public member of the board shall be a person who is not, and never was, a member of the landscape architectural profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of landscape architectural services or an activity directly related to landscape architecture, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

II. Each member of the board shall be a citizen of the United States and a resident of this state. Each landscape architect member shall have actively practiced landscape architecture for his or her means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of landscape architecture.

III. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

IV. Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vicechairperson, and secretary. Three members shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:

- (1) The name, age, and residence of each applicant.
- (2) The date of application.
- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Whether or not an examination was required.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

VII. The secretary of the board shall publish a roster listing the names and addresses of all landscape architects licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

310-A:143 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) The application procedure for a license to practice under this subdivision;

- (b) The qualifications of applicants in addition to those requirements set by statute, and including the qualifications for satisfactory evidence of good professional character;
- (c) How an applicant shall be examined, including the time and place of the examination;
- (d) How a license to practice under this subdivision shall be renewed or reinstated, including late fees and any requirements for continuing education;
- (e) The establishment of all fees required under this subdivision;
- (f) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;
- (g) Matters related to the proper administration of this subdivision;
- (h) Procedures for the conduct of hearings consistent with the requirements of due process;
- (i) The design of an official seal; and
- (j) Application procedures for and issuance of corporate practice certificates.

II. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all affected professionals licensed by the board.

310-A:144 Fees. The board shall adopt rules, under RSA 541-A, which shall establish all fees required under this subdivision including the following:

- I. Examinations.
- II. Application for licensure upon passing the examination.
- III. Application for a license under RSA 310-A:149.
- IV. Biennial renewal for licensed landscape architects.
- V. Late fees for a late renewal of license.
- VI. Replacement of lost or mutilated license.
- VII. Transcribing and transferring records and other services.
- VIII. Reinstatement fees.

310-A:145 Licensure Required. No person shall practice landscape architecture in this state, except as permitted in RSA 310-A:160, without a landscape architect's license issued under this subdivision.

310-A:146 Eligibility Requirements for Licensure as a Landscape Architect.

I. Each applicant for licensure as a landscape architect shall meet one of the following requirements:

- (a) Possession of an accredited 4-year landscape architecture degree or equivalent, and 3 years professional experience under the direct supervision of a licensed Landscape Architect; or
- (b) Possession of a non-accredited 4-year landscape architecture degree or a 4-year degree in a related field and 5 years professional experience 3 of which shall be under the direct supervision of a licensed landscape architect; or

II. The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

- (a) Conviction for commission of a felony;
- (b) Misstatement of facts by the applicant in connection with the application;
- (c) Violation of any of the standards of conduct required of landscape architects as they are set forth in this subdivision or in rules adopted by the board; or
- (d) Practicing landscape architecture without being licensed in violation of laws of the jurisdiction in which the practice took place.

III. Upon complying with the preliminary requirements set forth in this section, the applicant shall, in order to become licensed, pass written examinations as provided in RSA 310-A:151, except as otherwise provided in RSA 310-A:153.

IV. Following the effective date of the initial adoption by the board of rules under RSA 541-A, the board may issue licenses to applicants whose applications for licensure have been received during a one-year period following the effective date of adoption of the rules, who provide evidence satisfactory to the board of knowledge and experience equivalent to the requirements set forth in subparagraphs I(a) or (b), and who meet the examination requirements of RSA 310-A:151.

310-A:147 Teaching Credits. In considering the qualifications of applicants, landscape architectural teaching may be construed as landscape architectural experience.

310-A:148 Work as Contractor. The mere execution, as a contractor, of work designed by a landscape architect or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be experience in landscape architecture.

310-A:149 Applications.

I. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed landscape architects having personal knowledge of the applicant's professional experience. The board shall establish fees for application and any examination required under this subdivision. Should the board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

II. References relating to experience in the practice of landscape architecture performed prior to the effective date of this subdivision may be provided by either a landscape architect or a person determined by the board to be of equivalent ethical standards, education, and experience who may or may not have been licensed.

310-A:150 Continuing Education. Evidence satisfactory to the board of the completion in each biennial renewal period of a minimum of 30 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

310-A:151 Examinations. Written technical examination in landscape architecture shall be held at least annually at such times and places as the board shall determine. The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date.

310-A:152 Certificates; Seals. The board shall issue a license upon payment of the license fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, have a serial number, and be signed by the chairperson and the secretary of the board under seal of the board. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed landscape architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "licensed landscape architect." All papers or documents involving the practice of landscape architecture under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

310-A:153 Interstate Licensure.

I. The board in its discretion may, upon application and the payment of a fee, issue a landscape architect's license to any person who holds a Council of Landscape Architectural Registration Board (CLARB) certificate, or to any person who holds an unexpired license or certificate of registration issued by any state, territory or possession of the United States, provided that the applicant's qualifications meet the requirements of this subdivision and the rules established by the board.

II. The board may grant a landscape architect's license to any applicant who is similarly licensed in any other state, provided the other state's licensing requirements are substantially equivalent to or higher than those of this state.

310-A:154 Expiration and Renewals.

I. All licenses issued by the board shall expire on the last day of the licensee's month of birth the second year following the year of issuance, or upon such other biennial date as the board may adopt. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list and roster. The board, pursuant to rules adopted under RSA 310-A:143, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

III. If the renewal fee is not submitted within one year of the expiration date, an application for reinstatement shall be required and approved by the board to reinstate the license.

310-A:155 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II and which specifies the grounds therefore.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the expertise of the licensee.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this subdivision.

(f) Mental or physical incompetency to practice under this subdivision.

(g) Willful or repeated violation of the provisions of this subdivision.

(h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

(i) Violations of the rules of professional conduct for landscape architects, or any other rule adopted by the board.

(j) Providing false testimony before the board.

(k) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the board as a result of any formal complaint to the board alleging a violation of this subdivision.

(l) Knowingly making or signing any false statement, certificate, or affidavit in connection with the practice of landscape architecture.

310-A:156 Hearings.

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and appropriately pursued by the board. Written complaints received by the board shall be acknowledged within 3 months of the date of notice to the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II.(a) The board shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any grievance, complaint, or disciplinary proceeding before the board.

(b) The board may issue subpoenas with the approval of the office of the attorney general.

(c) A minimum of 10 business days' notice shall be given for compliance with a subpoena under this subdivision.

III. At any hearing, the named person or licensee shall have the right to:

(a) Appear in person, by counsel, or both.

(b) Produce evidence and witnesses.

(c) Cross-examine witnesses.

IV. If the named person fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

V. The board, upon making an affirmative finding under RSA 310-A:155, II, may take disciplinary action in any one or more of the following ways:

(a) By written reprimand.

(b) By suspension, refusal to renew, limitation or restriction of a license, or probation for a period of time determined to be reasonable by the board.

(c) By revocation of a license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.

(e) By requiring the person to practice under the direct supervision of a licensed landscape architect for a period of time specified by the board.

(f) By assessing civil penalties, after notification and due process, in amounts established by the board which shall not exceed \$2,000 per offense or, in the case of continuing offenses, \$200 for each day the violation continues, whichever is greater.

VI. Any applicant or licensee aggrieved by an action of the board denying, suspending, refusing to renew, or revoking its license may appeal the decision in accordance with RSA 541.

VII. In addition to any other action, the board may assess all reasonable costs incurred in connection with any disciplinary proceeding, including investigations and stenographers and attorneys fees as a condition of probation or reinstatement.

VIII. Any disciplinary action by the board shall be published in the report of the board and shall be a public record in accordance with RSA 91-A.

310-A:157 Reissuance of Licenses. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been suspended or revoked, provided 3 or more members of the board vote in favor of such reissuance. A new license may be issued, subject to the rules of the board, and a charge shall be made for such issuance.

310-A:158 Violations. It shall be a class B misdemeanor for any natural person or a felony for any business organization to:

I. Present or attempt to use the license or seal of another as one's own;

II. Give any false or forged evidence of any kind to the board or to any board member in obtaining a license;

III. Falsely impersonate any other licensee of like or different name;

IV. Attempt to use an expired or revoked license;

V. Practice landscape architecture or to offer, advertise or hold oneself out to the public as being in the practice of landscape architecture in this state without a license; or

VI. Violate any of the provisions of this subdivision.

310-A:159 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of RSA 310-A:158 on proceedings brought by the attorney general, the board, or any society of licensed landscape architects duly incorporated under the laws of this state.

310-A:160 Exemptions. Nothing in this subdivision shall be construed to prevent or affect:

I. The preparation of details and shop drawings by persons, other than landscape architects, for use in connection with the execution of their work.

II. The preparation of plans, drawings and specifications for and the supervision of the construction or alteration of landscape design associated with farms, residences, institutional or commercial uses where the client or reviewing governmental entity does not require the stamp of a licensed landscape architect.

III. Supervision by builders, or superintendents employed by such builders, of the installation of landscape projects.

IV. Business conducted in this state by any agriculturist, horticulturist, tree expert, arborist, forester, wetland scientist, certified professional in erosion and sediment control, natural scientist, soil scientist, nurseryman or landscape nurseryman, gardener, landscape gardener, landscape designer, landscape contractor, irrigation contractor, irrigation designer, garden or lawn caretaker or grader or cultivator of land, as these terms are generally used, except that no such person shall use the designation "landscape architect," "landscape architectural" or "landscape architecture" unless licensed as a landscape architect under this article.

V. The practice of architecture by an architect licensed in this state, or the practice of professional engineering or land surveying by a professional engineer or land surveyor licensed in this state, or the preparation of wetland mitigation plans by a wetland scientist, natural scientist, or soil scientist, provided that no such architect, professional engineer, wetland scientist, natural scientist, soil scientist, or land surveyor shall use the designation "landscape architect," "landscape architectural" or "landscape architecture" unless licensed as a landscape architect in this state.

VI. The practice of landscape architecture by officers and employees of the United States while engaged within the state in the practice of landscape architecture for the federal government.

VII. Professional engineers, when engaged in the lawful practice of engineering under RSA 310-A, from performing engineering work which could be defined in this subdivision as within the practice of the profession of landscape architecture.

HB 1501, making various changes to the lottery commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill was brought forward at the request of the lottery commission to make technical changes and updates after going through an internal audit. It updates and brings into compliance bonding, commission compensation, budget format and transfers, commission report and public drawings. It also allows the lottery commission to consider communities adjacent to Concord when looking for office and storage space. The amendment was recommended by rules to allow lottery to better conform to the multi-state games such as power ball. Vote 17-1.

Amendment (0533h)

Amend the bill by inserting after section 7 the following sections and renumbering the original section 8 to read as 10:

8 New Paragraph; Multi-State Lottery Association. Amend RSA 284:21-i by inserting after paragraph V the following new paragraph:

VI. The commission may adopt rules, which shall be exempt from the provisions of RSA 541-A, for any multi-jurisdictional game conducted by the Multi-State Lottery Association.

9 New Subparagraph; Exception; Multi-State Lottery Association. Amend RSA 541-A:21, I by inserting after subparagraph (y) the following new subparagraph:

(z) RSA 284:21-i, V relative to rules for multi-jurisdictional games conducted by the Multi-State Lottery Association.

HB 1521, requiring the appointment of alternate members to the juvenile parole board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alida I. Millham for Executive Departments and Administration: The Juvenile Parole Board, a volunteer body, meets every two weeks. Illness and vacations have, from time to time, caused a lack of a quorum. This bill adds two alternate members who will be able to sit for all meetings and able to vote when a regular member is absent. The bill also puts in statute the current policy of paying mileage. Vote 16-0.

Amendment (0784h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the membership of the juvenile parole board.

Amend the bill by replacing all after the enacting clause with the following:

1 Parole of Delinquents; Juvenile Parole Board. Amend RSA 170-H:3 to read as follows:

170-H:3 Juvenile Parole Board. There shall be a juvenile parole board with 5 members *and 2 alternate members*. The members *and alternate members* of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. *An alternate member may attend any hearing of the juvenile parole board but may only vote in the absence of a member.* A vacancy on the board shall be filled *by an alternate member designated by the chairman* for the unexpired term. No member shall serve more than 2 consecutive terms. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his *or her* absence. At least 3 members of the board shall be present at all meetings *and 3 members shall constitute a quorum*. The board shall hold at least 12 parole hearings each year and may hold more hearings as necessary. *Members and alternate members shall be paid mileage at the state employee rate while engaged in the duties of the board and to the extent funds are available in the youth development center budget.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill adds 2 alternate members to the juvenile parole board.

HB 1634-FN, making technical changes to the law governing the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill was submitted as a housekeeping bill. The main items being changed are allowing political sub-divisions to join the system after a vote of the sub-division, redefining accumulated contributions and contributions for members with over 40 years service. It will also discontinue the medical subsidy for spouses of deceased members if they remarry. Vote 16-0.

Amendment (0816h)

Amend the bill by replacing section 2 with the following:

2 Definitions. Amend RSA 100-A:1, IV to read as follows:

IV. "Employer" shall mean (a) the state or any department, commission, institution, or agency of the state government by which an employee is paid through the office of the state treasurer with respect to their employees, (b) the state, the local school district, or other employers of teachers eligible for membership in the system with respect to the teachers in their employ, (c) any police department or police force of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent policemen in their employ, ~~and~~ (d) any fire department of the state, or of any county, city, town, village, or precinct in the state with respect to the permanent firemen in their employ, *and (e) any political subdivision that has elected to participate under RSA 100A:20;* provided, however, that in no instance shall any employer contribute or participate in the retirement system unless *by a reasonable determination of the board of trustees* such employer qualifies as a governmental entity, political subdivision, agency, or instrumentality eligible to ~~maintain~~ *participate in the retirement system* as a governmental plan within the meaning of section 414(d) of the United States Internal Revenue Code of 1986, as amended.

Amend RSA 100-A:3, VI(c) as inserted by section 5 of the bill by replacing it with the following:

(c) Except for service described in subparagraph (d), in no case shall prior service purchased as credible service in the New Hampshire retirement system under the provisions of this section be deemed to be creditable service for the purposes of eligibility for medical benefits after retirement under the provisions of RSA 21-I:30, RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b. Amend the bill by inserting after section 10 the following and renumbering the original sections 11-19 to read as 12-20:

11 Administration. Amend RSA 100-A:14, V to read as follows:

V. The board of trustees shall have the full power to employ and compensate such employees on such terms as may be necessary as charges upon the funds of the retirement system, and establish personnel policies without regard to any personnel or civil service law or personnel or civil service rule of the state. The employees of the retirement system shall not be classified employees of the state within the meaning of RSA 21-I:49. Notwithstanding, any individual employed by the retirement system whose employment calls for 30 hours or more work in a normal calendar week, and whose position is anticipated to have a duration of 6 months or more, shall be entitled to elect to receive such health, dental, life insurance, deferred compensation, and retirement benefits as are afforded to classified employees of the state. Upon election by such individual, the retirement system shall pay from its funds the state's share of such benefits. Any remaining costs of health, dental, and life insurance benefits which an individual elects to receive pursuant to this paragraph, shall be withheld from such individual's salary as a payroll deduction. Written notice of the availability of these benefit options shall be provided to each individual upon employment by the retirement system. It may also engage such actuarial, medical, and like services as may be required to transact the business of the system. The compensation for such special services, and all other expenses of the board necessary, hereto, shall be paid at such rates and in such amounts as the board shall approve. *Service as an employee of the retirement system shall be creditable service for purposes of RSA 21-I:30, II. Any retirement system employee who transfers, without a break in service, to a state classified service position shall transfer all the days of sick leave credit and annual leave credit that the retirement system employee has accumulated pursuant to this section. At the time of such a transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the time of the transfer by the receiving agency according to the employee's continuous years worked.*

Amend section 17 of the bill by replacing it with the following:

17 Payment by Retirement System; Group I State Employees. Amend RSA 100-A:52-b, I (h) to read as follows:

(h) The spouse of a qualified retiree, *until death or remarriage.*

HB 1661-FN, relative to the practice of real estate sales and eliminating the real estate commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: The committee feels that it would not make sense to do away with the real estate commission. The commission plays an integral part in ensuring that consumers are protected from fraudulent or unscrupulous persons who might prey on the elderly or uninitiated. Vote 15-0.

HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill does three things. It adds language to the professional misconduct piece of RSA 317-A:17, II(b) to include misdemeanor involving a number of items, among which are dishonesty, criminal conduct involving moral turpitude and unprofessional conduct. It also will allow dental hygienists to administer nitrous oxide/oxygen after completing an approved course and passing an examination approved by the Board of Dentistry. It also changes record keeping requirements so that only paper and radiographic records must be kept for seven years (not molds for caps, etc.). Vote 17-0.

Amendment (0797h)

Amend the bill by replacing sections 2 and 3 with the following:

2 New Subparagraph; Dental Hygienists; Services. Amend RSA 317-A:21-c, II by inserting after subparagraph (e) the following new subparagraph:

(f) The administration of nitrous oxide/oxygen minimal sedation (anxiolysis); provided the dental hygienist is certified by the board after training and after passing an examination approved by the board.

3 Dental Records. Amend RSA 317-A:27-a to read as follows:

317-A:27-a Dental Records. Dentists and dental hygienists shall make a record of all examinations and treatments performed or recommended. The record shall be in such a manner and in sufficient detail that it may be used for identification purposes. A dentist shall maintain patients' *paper and radiographic* records for at least 7 years from the time the dentist or dental hygienist last treated the patient. In the case of a minor patient, a dentist shall maintain a patient's *paper and radiographic* dental records for at least 7 years past the age of majority.

AMENDED ANALYSIS

This bill includes certain misdemeanors as professional misconduct, allows dental hygienists to administer certain sedation, and clarifies the retention of dental records.

This bill is a request of the board of dental examiners.

HB 1715-FN, relative to funding of the professional assistance program of dentists. **OUGHT TO PASS.**

Rep. James B. Coburn for Executive Departments and Administration: This bill requires that not more than \$30 of each dentist fee paid to the Board of Examiners be used for funding a professional assistance program. There is already such a program in the New Hampshire Society in which dentists may already participate. This bill permits \$300 of the two year dental registration fee to be used to fund the participation by dentists and dental hygienists. The committee felt that this was a good way to fund a worthwhile program without placing a significant burden on the licensees. Vote 16-0.

Referred to the committee on Ways and Means.

HB 1288, requiring an audit of federal funds received by the department of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie K. Smith for Finance: The committee shares the sponsor's belief that it is both timely and desirable to gain a better understanding of the use of federal "No Child Left Behind" money. The sponsor was not aware that the LBA has been working under the direction of the Performance Audit and Oversight Committee and the Fiscal Committee to develop a scoping statement to accomplish this very goal. Vote 18-0.

HB 1263, requiring certain notification before a person with a mental illness may be discharged from a state mental health services facility. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would amend the existing statute to require that "the receiving facility shall also give written notice of the discharge to the appropriate local law enforcement authorities and, if possible, the person's next of kin." Following testimony by two sponsors of the bill, all other speakers (8 in number) opposed the bill. Those in opposition included the New Hampshire Mental Health Consumer Council including its chair, NH Behavioral Health Association, NAMI NH, Disability Rights Center, NH Psychiatric Society and former patients and family members. In general, it was felt that this bill would tend to criminalize mentally ill patients. There is very little evidence that the current sys-

tem is not working well. This bill would infringe on patients' civil rights. Additionally their illnesses are for the most part unrelated to criminal behavior. Many of those opposing the bill are client advocates who do not represent governmental agencies. In addition, many patients at NH Hospital are civil commitments, and their health problems do not come under the purview of law enforcement officials. Another issue often repeated is the stigma associated with mental illness. Viewing their condition as reportable to law enforcement tends to reinforce that stereotype. State policy should respect the strengths and capacity of individuals to recover from their disorders and their ability to function in society in creative and positive ways. The committee, after hearing extensive testimony on this bill, unanimously voted inexpedient to legislate. Vote 16-0.

HB 1427, relative to the principles for developmentally disabled services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill, as amended, adds guiding principles to RSA 171-A. The purpose statement of RSA 171-A is: "This chapter enables the department to establish, maintain, implement and coordinate a comprehensive delivery system for developmentally disabled persons." The principles put forth in this bill reflect nationally recognized principles pioneered by New Hampshire, and reflect the family centered, public-private approach used by the department in providing services to the developmentally disabled of our state. This bill does not place additional responsibility on the department, but does provide a true reflection of the developmental disability services provided, which enable individuals to participate in choices relative to their care, live as independently as possible, and work and participate in their communities. The committee felt the principles in this bill would give guidance and context for future legislation and regulation to ensure continuing quality of life for our citizens who have disabilities. Vote 17-0.

Amendment (0692h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to guiding principles for developmentally disabled services.

Amend the bill by replacing section I with the following:

I Developmentally Disabled Services; Guiding Principles. RSA 171-A:1 is repealed and reenacted to read as follows:

171-A:1 Purpose and Policy. The purpose of this chapter is to enable the department of health and human services to establish, maintain, implement and coordinate a comprehensive service delivery system for developmentally disabled persons. The policy of this state is that persons with developmental disabilities and their families be provided services that emphasize community living and programs to support individuals and families, beginning with early intervention, and that such services and programs shall be based on the following guiding principles:

I. People with developmental disabilities and their families are best able to determine their own needs and shall participate in decisions concerning necessary, desirable, and appropriate services.

II. Services shall provide comprehensive, responsive, and flexible support as individual and family needs evolve over time.

III. Individual and family services shall be based on full participation in the community, sharing ordinary places, developing meaningful relationships, and learning things that are useful, as well as enhancing the social and economic status of persons served.

IV. Services shall be relevant to the individual's age, abilities, and life goals, including support for gainful employment that maximizes the individual's potential for self-sufficiency and independence.

V. Individual choice, satisfaction, safety, and positive outcomes shall be the focus of services.

VI. Services shall be provided by competent, appropriately trained and compensated staff.

AMENDED ANALYSIS

This bill establishes guiding principles for the provision of services to developmentally disabled persons.

HB 1727-FN-L, relative to transfer or discharge of patients in residential care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The purpose of this bill is to simplify a client's ability to initiate a transfer or discharge from facilities licensed under RSA 151.

Its other purpose is to lessen the administrative procedures involved. This bill, as amended, achieves the goals intended. This bill was supported by the Association of Residential Care Homes, the State Long Term Care Ombudsman and the bill was amended to address the concerns of the Department of Health and Human Services. Vote 16-0.

Amendment (0807h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to transfer or discharge of patients or residents in licensed facilities.

Amend the bill by replacing section 1 with the following:

I Statement of Purpose. The general court recognizes the need to define conditions under which patients in, or residents of, facilities licensed under this chapter may be transferred or discharged voluntarily to the custody of relatives, or to other facilities. Therefore, the general court hereby clarifies the law regarding transfer or discharge of patients or residents in licensed facilities.

Amend the unnumbered concluding paragraph after RSA 151:26, II(a)(5) as inserted by section 2 of the bill by replacing it with the following:

Except as specified in paragraph II(b) of this section, written notice of transfer or discharge shall be given at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed in the patient's clinical record and a copy shall be transmitted to the patient, ~~[the patient's next of kin,] the patient's personal representative, legal guardian, the long-term care ombudsman [in the office of the ombudsman], established under RSA 161-F:10, and the [designated agency responsible for the protection and advocacy system for a developmentally disabled or mentally ill individual, and the person or agency responsible for the patient's placement, maintenance, and care in the facility]~~ *federally-designated protection and advocacy agency for individuals with disabilities.*

Amend RSA 151:26, V as inserted by section 3 of the bill by replacing it with the following:

V. For the purposes of this section, "transfer" or "discharge" shall not include transfers or discharges initiated at the request of the patient or his or her legal representative, except that transfer or discharge of a resident from a nursing home certified under federal law even if initiated at the request of the resident or his or her legal representative shall be subject to all federal notice requirements.

AMENDED ANALYSIS

This bill clarifies the paperwork required for a transfer or discharge from a licensed facility.

HB 1731-FN, making pseudoephedrine products available only by prescription. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: There is a growing menace sweeping the country and it includes the use of an illegal drug called methamphetamine. New Hampshire, being the state in New England with the most "meth" labs, is trying through education, prevention, and penalty legislation to be proactive with this scourge. About five or six bills dealing on the subject have come before various committees this session, causing some duplication of effort and some are premature. This bill mandates that single-entity pseudoephedrine products, such as Sudafed, Claritin and other cold remedies, be purchased by prescription only. These products are the foundation ingredient for making meth. Because the full committee recently passed HB 1713 (which is another approach to the problem) by a unanimous vote of 17-0, the committee would like HB 1713 to have a fair shot at working. For these reasons the committee felt that HB 1731 is premature and perhaps should be considered in the future if HB 1713 is not effective. Vote 13-0.

HB 1153, Establishing a commission to study the laws and rules relating to subpoenas, summonses and complaints. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: The committee agreed that the objective of this bill of identifying all sections of the statutes relating to subpoenas, summonses and complaints with the object of proposing possible consolidation and a standardization of them is sound. The committee, however, concluded that such an inquiry can be competently and more efficiently carried out by a House-Senate joint committee, rather than by a commission. The committee has amended the bill accordingly. Vote 15-0.

Amendment (0328h)

Amend the bill by replacing section 4 with the following:

4 Chairperson; Quorum; Research Assistant.

I. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

II. The speaker of the house of representatives shall assign a research assistant from either house committee services or the office of legislative services to conduct research, prepare documents, and otherwise assist the committee.

HB 1511, relative to business replacement costs resulting from government program displacement. **REFER FOR INTERIM STUDY.**

Rep. Maureen C. Mooney for Judiciary: This early bill addresses the important subject of business replacement costs for business displacement by an eminent domain taking. A subcommittee has been formed to study all aspects of eminent domain, including constitutional amendments, statutory changes and branch topics that require study. This bill has been assigned to that very subcommittee. The intent of the bill is a laudable one, but it requires a proper and careful analysis along with the other bills relating to government takings in New Hampshire. The Department of Transportation and the Municipal Association have expressed concerns requiring the bill to be examined for a longer period of time than its due date to the Finance Committee on February 9, 2006. The subcommittee on eminent domain will assuredly address this bill in a responsible manner. Vote 18-0.

HB 1676-FN, relative to misdemeanor jury trials. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony F. Soltani for Judiciary: This bill was intended to provide criminal defendants in class "A" misdemeanor cases with a jury trial in the first instance. However, it was improperly drafted and needed much work to cure the defects. The committee voted to kill the bill at the request of the primary sponsor. Vote 19-1.

HB 1278, increasing the fine for violating certain laws relative to labor. **OUGHT TO PASS.**

Rep. Franklin C. Bishop for Labor, Industrial and Rehabilitative Services: This bill increases the fine for violating certain labor laws that protect the jobs of citizens from up to \$1,000 to \$2,500 per day. This increase would be consistent with the fines with all other labor laws. Vote 13-0. Referred to the committee on Ways and Means.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: This bill is looking to establish a committee to study the effects of negative rated employees on the unemployment compensation trust fund. Negative rated employers are those whose benefit charges to the trust fund exceed the contributions they pay into the trust fund. In New Hampshire 90% of employers enjoy a positive rated classification and only 10% are classified as negative rated. While the negative balance employers are small, their impact on the fund is dramatic. They cost the fund millions of dollars annually. Vote 13-0.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits. **OUGHT TO PASS.**

Rep. Bruce S. Lary for Labor, Industrial and Rehabilitative Services: This bill broadens the taxable wage base, thereby preventing positive noted employers from higher tax rates. This bill keeps the trust fund above \$250 million resulting in saving employers an estimated \$41 million dollars, while still maintaining the high levels of unemployment benefits and assistance. It also allows the New Hampshire Department of Employment Security to keep all their offices open to serve the diverse needs of the citizens of New Hampshire. Vote 12-0.

Referred to the committee on Finance.

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. **OUGHT TO PASS.**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: Current law requires employers to file a report with the Department of Employment Securities containing data on

employees and the wages they earn. There are not existing provisions in the New Hampshire statutes that penalize employers for furnishing false or incomplete reports to the department. This house cleaning bill gives the department the option to fine an employer \$25.00 per employee for each day the employee is not reported correctly. This bill also includes a three month amnesty period following the passage of the bill to allow any business that is violating the law to come forward, pay any back taxes and avoid facing any fines. Vote 13-0.
Referred to the committee on Ways and Means.

HB 1588, relative to unemployment compensation requirements for governmental and non-profit employers. **OUGHT TO PASS.**

Rep. Herbert D. Richardson for Labor, Industrial and Rehabilitative Services: This bill is a house-keeping bill brought to the committee by the Department of Employment Securities. The bill makes a number of changes to various sections of RSA 282-A. These changes were approved unanimously by the Unemployment Advisory Council which advises the Department of Employment Security on legislative matters. The bill changes the law to include longevity, stay, retention, attendance or similar payments as wages. It more precisely defines the term "most recent employer" and redefines the term "date" regarding when the employee performed services for the employer. It further redefines the reasons for disqualifications for benefits by replacing the term "Felony and Dishonesty" with the term "Gross Misconduct" and adds the terms, an adult which causes bodily injury and criminal threatening to criminal law. Vote 9-3.

HB 1242-FN, relative to providing copies of the house and senate calendars to public libraries. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael S. Rollo for Legislative Administration: The sponsor of this bill asked that the committee find this bill inexpedient to legislate after reaching an agreement with the clerk's office and the state library. Vote 11-0.

HB 1158, relative to eligibility for the property tax exemption for the disabled. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require the Social Security Administration to implement a procedure to facilitate a property tax exemption for disabled individuals who are not eligible for Social Security disability benefits. The concept of not being eligible for social security was a new thought for a majority of the committee. Through research we learned that under Title II of the Social Security Act, recipients must have achieved a work requirement and have paid FICA taxes, along with limits on age and number of years of coverage. Title XVI, known as SSI, or Supplemental Security Income, is a welfare program not funded by FICA but by general federal tax dollars and is based on income. Social Security definition of "disabled" states that one must be unable to do any substantial work because of a medical condition and that condition has to last or be expected to last at least a year or be expected to result in death. There are classes of workers that are not covered for disability under social security - New Hampshire Retirement System Group II, pre-1984 federal workers who opted out of the coverage, railroad workers who have their own federal program for retirement. HB 1158 was introduced to cover one individual in the town of Seabrook. The committee felt that opening one path for one individual would necessitate opening the door for a larger group. The federal government has taken the circumstances into account and the committee felt that it is not practical for the State of New Hampshire to require the federal government to conform to New Hampshire laws. Vote 17-2.

HB 1290, requiring the attorney general to enforce city and town charters and to prosecute suspected violations of city and town charters. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for Municipal and County Government: This bill requires the Attorney General to enforce city and town charters and to prosecute suspected violations of city and town charters. The sponsor believes that a charter is a contract between the state, the city or town and the local residents. The bill mirrors the authority of the Attorney General granted in RSA 7:6-c which deals with election laws. The committee has stated that a charter is a contract between the municipality, whether it is a town or city, and its citizens. The sponsor compared the ability of the Attorney General in enforcing statewide election law irregularities that would be a criminal act to those of municipal charter violations that would be civil in nature. The committee agrees with the sponsor that a town or city's charter should be complied with at all times. However, there is a process to challenge any violation of the charter by filing a complaint with the superior court. The committee further feels that this is an effective process and no additional changes are needed at this time. Vote 15-0.

HB 1305-L, relative to license fees charged by municipalities for coin operated amusement devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry S. Gale for Municipal and County Government: This bill will provide a city with the right to establish rules and procedures for the issuance of permits to businesses within its jurisdiction and to control, manage and monitor the nature and character of any such business, all in the best interests of the community at large. Our committee believes this to be a worthy objective. Vote 16-2.

Amendment (0672h)

Amend the title of the bill by replacing it with the following:

AN ACT authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; City Bylaws and Ordinances; Businesses Obtaining City Permits. Amend RSA 47:17 by inserting after paragraph XVIII the following new paragraph:

XIX. Businesses Obtaining City Permits. To establish regulations relative to businesses obtaining city permits.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill authorizes cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

HB 1436-L, authorizing municipal and county biennial budgets for a 24-month period. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jessie L. Osborne for Municipal and County Government: Currently the local political subdivisions have the option to have a biennial budget based on two distinct 12-month fiscal years. The amendment has added an option of one distinct 24-month fiscal year, which the proponents advocated for, because there is a belief that this one 24-month fiscal year may save time and energy and money. Vote 15-0.

Amendment (0778h)

Amend the bill by replacing all after the enacting clause with the following:

1 Biennial Budget; Single Period. Amend RSA 32:25 to read as follows:

32:25 Biennial Budget; Authorization. Any city, town, unincorporated town, unorganized place, school district, village district, or county may budget receipts and expenditures, raise and appropriate revenues, and assess taxes on a biennial budget basis consisting of *one distinct 24month fiscal year or 2 distinct 12-month fiscal years*. The governing body may allow for the carry over of funds from the first fiscal year of the biennium to the second.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes municipal and county biennial budgets for one distinct 24-month fiscal year or 2 distinct 12-month fiscal years.

HB 1439, relative to petitioned zoning ordinance amendments. **REFER FOR INTERIM STUDY.**

Rep. Nancy K. Johnson for Municipal and County Government: The committee heard testimony concerning the recognition that it is a common occurrence that municipalities pass warrant articles that are unconstitutional and/or illegal. The sponsor recognized that the bill, as written, may not resolve the issue, but requested that we spend some time studying it. A majority of the committee agreed. Vote 8-6.

HB 1679-FN-L, relative to the taxation of nongovernmental uses of university system property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary R. Cooney for Municipal and County Government: This bill was presented to the committee in a somewhat drastically different format. It dealt with the possible misuse of tax-free university property. The committee heard a great deal of testimony from local business people that are directly affected by services that are provided on the campuses of the university system of New Hampshire. The testimony centered around the ability of these services to be provided on these campuses ranging from a commercial entity such as fast food establishment to monster truck events

to concerts to hotel rooms. Upon research by the committee, it was determined that a policy exists regarding payments in lieu of taxes (PILOT) by entities occupying university system of New Hampshire property that parallels the language of RSA 72:23 Real Estate and Personal Property Tax Exemptions. The committee also heard testimony that there existed a possibility that the university system of New Hampshire may not be uniformly adhering to the agreed upon PILOTs. Currently, the university system of New Hampshire policy that is stated in RSA 187-A:25 sets up an exclusive exemption for the university system and any of its institutions. Over time the use by the commercial services stated above have slowly eroded the original intent of the PILOT policy and the tax-free status granted by the legislature. In discussing the issue of fair competition, the committee felt that this possible lack of compliance was creating an uneven playing field with the private sector and that the exemption granted to the university system of New Hampshire had to be modified. During the creation of the amendment, a letter was received by the committee from the chancellor of the university system of New Hampshire stating their intentions of addressing the perceived issues that were outlined in the original bill. Therefore the committee created an amendment, with an intent paragraph, that included the university system of New Hampshire in the property taxation exemption that is afforded to all other publicly owned real and personal property as stated in RSA 72:23. The amendment also states in RSA 187-A:25 that the property of the university system of New Hampshire and each of its constituent institutions and divisions is exempt from taxation, except as provided in RSA 72:23. Vote 13-0.

Amendment (0853h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the property tax exemption for university system property.

Amend the bill by replacing sections 1-4 with the following and renumbering the original section 5 to read as 4:

1 Statement of Intent.

I. The general court recognizes the university system of New Hampshire is established for the main purpose of providing a well coordinated system of public higher education offering liberal undergraduate education encompassing the major branches of learning, emphasizing our cultural heritage, and cultivating the skills of reasoning and communication. The general court further recognizes that in order to accomplish this task there are many avenues that must be pursued. One of these avenues is to maintain and operate all housing facilities, dining halls or other food service facilities, student unions, and bookstores for students and faculty on all campuses of the university system, and to collect rents from such facilities.

II. The collection of these rents in the form of leases for such facilities rises to the level of a possible conflict with RSA 187-A:25 which states that the property of the university system of New Hampshire and each of its constituent institutions and divisions is exempt from taxation. The general court also finds that the collection of these rents/leases may be construed to create competition with local businesses. The appropriate avenue to address this would be the inclusion of the university system of New Hampshire into RSA 72:23. The general court feels that any and all personal and real property used to complete the purpose for which the university system of New Hampshire was established should be exempt from taxation. The leasing policy of the university system of New Hampshire regarding payment of taxes to the host municipality closely mirrors RSA 72:23 regarding real estate and personal property tax exemptions. The general court further believes that any facilities for which rent is collected should not be exempt from taxation.

III. Therefore, the public policy for the existing statute is to prohibit a private business from escaping taxation simply by locating itself on tax exempt property or from receiving an unfair tax advantage over another private business by doing so.

2 Property Taxation; Exempt Property. Amend RSA 72:23, I(a) and (b) to read as follows:

I.(a) Lands and the buildings and structures thereon and therein and the personal property owned by the state of New Hampshire *including the university system of New Hampshire* or by a New Hampshire city, town, school district, or village district unless said real or personal property is used or occupied by other than the state or a city, town, school district, or village district under a lease or other agreement the terms of which provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property. The exemption provided herein shall apply to any and all taxes against lands and the buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts,

and village districts, which have or may have accrued since March 31, 1975, and to any and all future taxes which, but for the exemption provided herein, would accrue against lands and buildings and structures thereon and therein and the personal property owned by the state, cities, towns, school districts, and village districts.

(b) All leases and other agreements, the terms of which provide for the use or occupation by others of real or personal property owned by the state *including the university system of New Hampshire* or a city, town, school district, or village district, entered into after July 1, 1979, shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date. This subparagraph shall not apply to leases of state-owned railroad properties which are subject to railroad taxes under the provisions of RSA 82 or which provide revenue to the state, a portion of which is distributed to cities and towns pursuant to RSA 228:69, I(a). All such leases and agreements shall include a provision that "failure of the lessee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said lease or agreement by the lessor." All such leases and agreements entered into on or after January 1, 1994, shall clearly state the lessee's obligations regarding the payment of both current and potential real and personal property taxes, and shall also state whether the lessee has an obligation to pay real and personal property taxes on structures or improvements added by the lessee.

3 University System; Taxation of Nongovernmental Use. Amend RSA 187-A:25 to read as follows:
187-A:25 Tax Exemption. The property of the university system of New Hampshire and each of its constituent institutions and divisions is exempt from taxation, *except as provided in RSA 72:23.*

AMENDED ANALYSIS

This bill clarifies the exemption from property taxation for property of the university system of New Hampshire.

Referred to the committee on Ways and Means.

HB 1694-FN-L, relative to a spending cap on municipal and school district budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundidge for Municipal and County Government: This bill sets up a spending cap on municipal and school district budgets in all non-charter municipalities. Charter municipalities already have the ability to implement a spending cap through their charter process, such as the cities of Franklin and Laconia. The sponsors of the bill believe that too many local governing bodies do not pass budgets that meet the guidelines of Consumer Price Index (CPI) in conjunction with population growth. This bill sets up a cap on any increase in a municipal or school district budget at the average rate of the CPI for the previous four years. This is an attempt to require local governments to stay within these guidelines. There is a mechanism provided in the bill to allow the cap to be exceeded by the passage of warrant articles separate from the budget. The passage of these warrant articles though will require a 60% majority. The committee believes that spending matters need to stay at the local level and not be directed by the State. Vote 14-1.

HB 1753, allowing municipalities to adopt a property tax exemption for geoexchange energy systems. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: This bill is a request of the study committee on maximizing incentives for voluntary use of renewable energy and would allow municipalities to adopt a property tax exemption for geoexchange energy systems. There were no sponsors to explain the bill to the committee at the hearing. President Bush spoke about an initiative to support alternative sources of energy in the State of the Union Address. The committee felt that it would be better for the users of a geoexchange energy system to apply for federal incentive funds instead of creating another exemption. The committee is concerned with the many requests for exemptions that really just shift the cost to other taxpayers within the municipality. Vote 16-3.

HB 1748, prohibiting candidates who did not get elected from serving as alternate members of the planning board or zoning board of adjustment. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Boyce for Municipal and County Government: This bill prohibits an elected planning board or zoning board of adjustment from appointing alternates who were candidates in the previous election. Currently, an elected planning or zoning board may appoint five alternate members for a term of three years each. We all know that finding volunteers to serve on any local board is difficult at best. Any limitation of the availability of possible worthy board members in many small communities would only hurt the local community involved. Vote 15-0.

HB 1143, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Ladies' Bridge. **INEXPEDIENT TO LEGISLATE.**

Rep. Candace C. W. Bouchard for Public Works and Highways: The sponsor of this bill testified that there is not a consensus in the Town of Enfield as to what this bridge should be named, since there is also a bill in the Senate to name the bridge a different name. Until such time as local officials, state officials and the general public agree on a name, the committee is reluctant to step into the fray. Since no testimony from anyone other than the sponsor was received, the committee voted the bill ITL. Vote 15-0.

HB 1152, naming a certain bridge over the Merrimack River. **OUGHT TO PASS.**

Rep. John A. Graham for Public Works and Highways: This bill names a bridge over the Merrimack River between the towns of Canterbury and Boscawen as the New Hampshire Veterans' Memorial Bridge. This bridge is on Route 4 between I-93 and the New Hampshire Veterans' Cemetery. The committee feels that this is totally appropriate and the Boards of Selectmen of both towns support this bill. Vote 15-0.

HB 1225-FN-A, making a capital appropriation to the department of administrative services for siting, design, and construction of the new Henniker-Hillsborough courthouse. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Public Works and Highways: This bill had originally made a capital appropriation of \$1,960,000 for the purpose of the new Henniker-Hillsborough District Courthouse. Instead, the bill was amended to establish temporary locations for the new family courts in the eight municipalities served by the present Henniker and Hillsborough District Courts until the new courthouse is built. At a second public hearing, the House Judiciary Committee's Vice Chairman said his committee had no problem with this amendment. Specifically, the bill was amended for two reasons. First, the committee has been reluctant to support separate capital appropriations outside the biennial capital budget. Secondly, the committee believes there are enough unresolved issues in regard to the location and construction of the courthouse that the appropriation needed to wait to be included in the next capital budget. Furthermore, the committee has committed to work with the bill's supporters through an ad hoc subcommittee in an effort to help address such issues before the start of the next capital budget cycle in June. An earlier amendment, which included a legislative study committee on the new courthouse, was rejected because it was felt an ad hoc subcommittee would be able to work more efficiently. Vote 13-0.

Amendment (0598h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the judicial branch family division for the Henniker and Hillsborough District Courts.

Amend the bill by replacing all after the enacting clause with the following:

1 Henniker and Hillsborough District Courts; Judicial Branch Family Division. Amend RSA 490-D:4, XV-XVIII to read as follows:

Hillsborough County

XV. The courthouses in Hillsborough county which will house the judicial branch family division shall be the Hillsborough County Superior Court for the northern judicial district, the Goffstown District Court, the Hillsborough County Superior Court for the southern judicial district, the Milford District Court, ~~and~~ the Merrimack District Court *and, upon completion of construction, the Henniker-Hillsborough District Court.*

XVI.(a) Matters arising in municipalities located within the Manchester district shall be heard in the Hillsborough County Superior Court for the northern judicial district.

(b) Matters arising in municipalities located within the Goffstown district shall be heard in the Goffstown District Court.

(c) Matters arising in municipalities located within the Nashua district shall be heard in the Hillsborough County Superior Court for the southern judicial district.

(d) Matters arising in municipalities located within the Milford district shall be heard in the Milford District Court.

(e) Matters arising in municipalities located within the Merrimack district shall be heard in the Merrimack District Court.

(f) Matters arising in Hillsborough county municipalities located within the Jaffrey-Peterborough district shall be heard in the Jaffrey-Peterborough District Court in Cheshire County.

(g) Matters arising in municipalities located within the Hillsborough district shall be heard in the [Concord] *Henniker* District Court in Merrimack County *until the completion of construction of the Henniker-Hillsborough District Court facility in Hillsborough County, whereupon those matters shall be heard in the Henniker-Hillsborough District Court in Hillsborough County.*

Merrimack County

XVII. The courthouses in Merrimack county which will house the judicial branch family division shall be the Franklin District Court, the Hooksett District Court, *the Henniker District Court until the completion of construction of the Henniker-Hillsborough District Court facility*, and a facility located in Concord, provided, however, that the facility meets the minimum standard prescribed by the New Hampshire court accreditation commission pursuant to RSA 490:5-c.

XVIII.(a) Matters arising in municipalities located within the Franklin district shall be heard in the Franklin District Court.

(b) Matters arising in municipalities located within the Hooksett district shall be heard in the Hooksett District Court.

(c) Matters arising in municipalities located within the Concord district [~~the Henniker district, and the Hillsborough district~~] shall be heard in the judicial branch family division facility in Concord.

(d) Matters arising in municipalities located within the New London district shall be heard in the Newport District Court in Sullivan County.

(e) Matters arising in municipalities located within the Henniker district shall be heard in the Henniker District Court in Merrimack County until the completion of construction of the Henniker-Hillsborough District Court facility in Hillsborough County, whereupon those matters shall be heard in the Henniker-Hillsborough District Court in Hillsborough county.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes locations for the judicial branch family division for municipalities served by the Henniker and Hillsborough District Courts.

HB 1589, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year olds and 18-year olds who are ready to leave foster care or the youth development center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace C.W. Bouchard for Public Works and Highways: The committee heard compelling testimony regarding the need for transitional housing for youth who age out of foster care and/or the youth development center. This study will identify state buildings throughout the state that could be used for sheltering these young adults who would otherwise be homeless. The amendment requires two of the four members of the committee be from the Public Works and Highways Committee. The amendment also removes language that specifically includes the youth development center in the study because there is already a task force studying that facility. Vote 12-2.

Amendment (0592h)

Amend subparagraph I(a) of section 2 of the bill by replacing it with the following:

(a) Four members of the house of representatives, 2 of whom shall be members of the public works and highways committee, appointed by the speaker of the house of representatives.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study the feasibility of using unoccupied state-owned buildings as transition homes for 17-year-olds and 18-year-olds who are ready to leave foster care or the youth development center. The committee shall identify any suitable property currently owned by the state and shall assess the feasibility of converting such property to transition homes. The committee shall solicit testimony from agencies, organizations, and individuals with relevant information and expertise.

HB 1615-FN-A, establishing a fund for improvement of the state veterans cemetery. **REFER FOR INTERIM STUDY.**

Rep. John R. Cloutier for Public Works and Highways: This bill would have established a fund for improvement of the State Veterans' Cemetery in Boscawen. Many members of the committee

believe that there should be legislative oversight of the proposed fund, possibly a cap on the amount of money to be put into the fund, and better definition of what improvements should be paid for from the fund before presenting it to the full House. The committee was also concerned with establishing another dedicated fund based on available information and would like to work with the Veterans' Cemetery to come up with a workable proposal to address their concerns. Vote 8-4.

HB 1653-FN, requiring handrails on stairways in public buildings. **INEXPEDIENT TO LEGISLATE**. Rep. Robert A. Foosse for Public Works and Highways: The committee unanimously felt that the requirement for having handrails on both sides of stairways is already covered by building and accessibility codes that apply to all buildings in the State of New Hampshire. The committee received support for its decision from the Architectural Barrier-Free Design Committee which provided a detailed review of current codes. Vote 15-0.

HB 317-FN, relative to mooring permits and fees. **OUGHT TO PASS WITH AMENDMENT**. Rep. Donald A. Brueggemann for Resources, Recreation and Development: The committee took a second look at HB 317-FN on recommitment and is satisfied that our work is solid and the fee increase justified. The original bill set up a process whereby residents in a community could petition the Commissioner of the Department of Safety to have a lake or pond included in the moorings program which currently requires permits for moorings on the six largest lakes. Currently, lakes may be added only through legislative action and the committee felt strongly against delegating this authority. The portion of this bill that provided for increases in the mooring fee for those six lakes in the mooring program is being recommended in an effort to have the program support itself. The initial decal or permit process which includes a site visit would require a \$125 fee. The annual renewal fee under this bill would be \$50 (up from \$25). The committee felt this increase was more than justified given the time and effort needed to coordinate and monitor the program. These fees are more in line with the actual cost of program to the state. Vote 14-1.

Amendment (0074h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to mooring fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Mooring of Boats on Public Waters; Annual Mooring Fee. Amend RSA 270:62, V to read as follows:

V. *A fee of \$125 shall be charged for each initial decal issued pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.* An annual mooring fee of [~~\$25~~] \$50 shall be charged for each decal [~~issued~~] *renewed* pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill increases mooring fees.

Referred to the Committee on Ways and Means.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. **OUGHT TO PASS**. Rep. D. L. Chris Christensen for Resources, Recreation and Development: In 2001, a \$3.00 fee was added to boat registrations for research, prevention and eradication of exotic aquatic weeds, including milfoil. The fee was sunsetted for 2006. In 2005, a very successful eradication program was completed on Lower Suncook Lake, demonstrating the efficacy of a multi-pronged attack on this program. The committee unanimously endorsed repeal of the sunset provision allowing the \$3.00 fee and the milfoil research, prevention and eradication to continue. Vote 14-0.

Referred to the committee on Ways and Means.

HB 1701-FN-A, relative to boat fee agents of the department of safety, increasing the boat registration fee, and relative to the prevention of exotic aquatic weeds. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Judith T. Spang for Resources, Recreation and Development: This bill will clarify that boat registration fees collected by agents shall be remitted to the state department of safety. Further, it provides funding for control of milfoil and other rapidly-spreading exotic weeds that are threat-

ening to degrade water bodies throughout the state. The programs inaugurated several years ago have proven to be effective, but threatened water bodies, need to be expanded. The amendment extends the effective date from June 2006 to January of 2007. Vote 15-1.

Amendment (0861h)

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 1, 2007.

Referred to the committee on Ways and Means.

HB 1232-FN, applying the enhanced 911 system surcharge to voice over Internet protocol telephone service providers. **INEXPEDIENT TO LEGISLATE.**

Rep. James H. Lawrence for Science, Technology and Energy: The Federal Communications Commission (FCC) is currently reviewing the best way to deal with the implementation of Enhanced 911 (E911) services on voice over Internet protocol (VOIP) telephone services and has yet to make a determination how fees should be collected at the local level. Since there is no funding crisis for our enhanced 911 system in this state, and the FCC has yet to make a determination on this issue, the committee feels that the implementation of this surcharge is premature at this time. Vote 14-1.

HB 1376, relative to the duties of the legislative oversight committee on electric utility restructuring. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Roy D. Maxfield for Science, Technology and Energy: The committee unanimously agreed to add evaluation of electricity issues, such as locationally installed capacity, to the legislative oversight committee's duties on electric utility restructuring. Keeping tabs on the Federal Energy Regulatory Commission (FERC) and its policies, which could result in significant impact on New Hampshire, is in our best interest. Vote 19-0.

Amendment (0362h)

Amend RSA 374-F-6, V as inserted by section 1 of the bill by replacing it with the following:

V. Evaluating electricity issues within the jurisdiction of the Federal Energy Regulatory Commission (FERC) that may have significant consequences to New Hampshire customers, such as locational installed capacity.

AMENDED ANALYSIS

This bill adds evaluation of electricity issues, such as locational installed capacity, to the duties of the legislative oversight committee on electric utility restructuring.

HB 1535, relative to best available control technology rules. **INEXPEDIENT TO LEGISLATE.**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill calls for additional requirements before rules could be implemented for best available control technology (BACT). It would prohibit adoption of rules involving the new BACT guidelines until a committee finished a study relative to construction and demolition waste. The BACT legislation and subsequent rulemaking applies to all non-exempt materials and not just construction and demolition waste. If this bill were enacted, there would be no rules in place to address the specific requirements and procedures as required by RSA 173, pertaining to other non-exempt materials. The committee agrees that the new stricter standards in BACT need to be implemented without delay. Vote 18-1.

HB 1690, relative to renewable energy. **OUGHT TO PASS.**

Rep. Lee G. Slocum for Science, Technology and Energy: This bill was a result of a study committee to "Maximize Incentives for the Use of Renewable Energy on a Voluntary Basis." The bill enables utilities, at their discretion, to offer a renewable energy default service. If a utility offers this service, customers who sign up understand that the energy they use is derived from sources such as hydro, wind, bio-mass, or geothermal. The bill also expands the list of technologies that may be supported by conservation funds obtained through the Systems Benefits Charge. Vote 18-1.

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: Currently, the Global War on Terrorism medal is provided to service members who served in Iraq, Afghanistan or Kuwait. The US Congress has authorized an Iraq Campaign Medal or an Afghanistan Campaign Medal for service members who are currently serving in Iraq or Afghanistan. This bill would update RSA-115-A:16 to

authorize payment of the bonus to these service members awarded the Global War on Terrorism Expeditionary Medal or the Iraq Campaign Medal or the Afghanistan Campaign Medal. Vote 11-0.

Amendment (0767h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HR 21, urging Congress to reimburse New Hampshire municipalities for the amounts granted in veterans' tax credits. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The committee believes the ability of a local town or city to provide a veteran a tax credit for war time service was granted by the state. As a result the amount of the tax credit varies from community to community. State law allows each community the freedom to value the war service of their local citizens. To demand that the federal government reimburse each community for war service tax credit would devalue our service members' service. Our country's greatness is based on the collective sacrifice of untold men and women. It is very important that we maintain the opportunity for local citizens to say "thank you for your service." Vote 10-1.

HB 1154-FN, relative to eligibility for special number plates for veterans. **OUGHT TO PASS.**

Rep. James W. Danforth for Transportation: This bill provides veterans with one set of plates for vehicles placed in trusts and protects the integrity of the New Hampshire Veteran's Plate. This is an administrative adjustment. Vote 8-3.

HB 1155, creating a violation for failure to pay a highway toll. **OUGHT TO PASS.**

Rep. Mary M. Allen for Transportation: This bill restores the penalty section of RSA 236:31 which was omitted when the EZ Pass System became law. It applies to non-electronic lanes only. Vote 13-0. Referred to the committee on Criminal Justice and Public Safety.

HB 1176, establishing a committee to study statutes relating to railroads. **OUGHT TO PASS.**

Rep. Stephen H. Nedeau for Transportation: The committee believes that the statutes relating to railroads are outdated. Federal law and private entities have other laws that conflict with state law. The committee feels that a study of these statutes is necessary. Vote 11-0.

HB 1199-FN, requiring out-of-state owners to register unflyable aircraft. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen H. Nedeau for Transportation: This bill would have charged a fee to out-of-staters who work on their unflyable aircraft that have a Federal I.D. number. Residents of New Hampshire pay no fees now. The committee felt that the low cost of the fee of \$15 would only amount to approximately \$150 per year. This would not even cover the cost of the program. Vote 11-0.

HB 1211, relative to tinted glass on motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have allowed for after market tinting of the windows to the left and right of the driver. Current law states that it is unlawful to tint these windows and the windshield, nor can a vehicle be inspected or sold with after market tinting. There is a waiver process at the Department of Safety for someone who needs this done for medical reasons. It is important for an officer to be able to see into a vehicle and to be able to make eye contact with drivers of other vehicles. Vote 11-0.

HB 1213, prohibiting tampering with a motorcycle's noise control system. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would prevent anyone from changing or replacing an exhaust system on a motorcycle unless that replacement was on original equipment. As in any older motor vehicle, after a certain number of years the original equipment parts are not available. This subject was addressed last year. The Legislature passed a piece of legislation that banned the use of straight pipes and increased the fine for violating the noise limit already set in current law. The committee believes that we need to give that new law a chance to work before making any more changes. Vote 11-0.

HB 1244-FN, relative to eligibility to receive moneys from the driver training fund. **INEXPEDIENT TO LEGISLATE.**

Rep. James W. Danforth for Transportation: This bill would allow any person aged 16 or 17 to receive \$150 from the driver training fund. Currently only those who take the course from a school

program are eligible to have the reimbursement. The committee believes that this would be fair, but could reduce General Fund revenue by about \$800,000. We did not believe this would be appropriate at this time. Vote 12-0.

HB 1271, relative to speed limits on municipal ways. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill was filed to allow the altering of speed limits. The prime sponsor was unaware of RSA 265:63 that allows for local authorities, in their respective jurisdictions, to lower speed limits and how to proceed to do this as they deem necessary. Vote 11-0.

HB 1303-FN, requiring sex offenders to renew their drivers' licenses annually. **REFER FOR INTERIM STUDY.**

Rep. Brenda L. Ferland for Transportation: The committee was in agreement that the bill should pass, but the bill is putting the cart before the horse. We need to classify offenders before we decide who this bill is targeting. Another bill being studied in Criminal Justice will answer all issues pertaining to sex offenders, including renewal of drivers' licenses. Vote 11-1.

HB 1309, relative to commercial driver licenses when the license holder fails a drug or alcohol test. **INEXPEDIENT TO LEGISLATE.**

Rep. James W. Danforth for Transportation: At the request of the prime sponsor, this bill was voted inexpedient to legislate. The committee felt that there are enough laws on the books governing commercial driving licenses today. Vote 13-0.

HB 1486, relative to the definition of "moped." **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would refine the meaning of a moped. It would increase the speed currently allowed from 30 miles per hour to 45 miles per hour, increase from two to five brake horsepower and increase from 50 to 80 cubic centimeters piston displacement. This might seem harmless, but we must consider that you do not currently need a motorcycle license to ride a moped. This bill could conceivably allow a whole new group of people on our roads, riding scooters without any motorcycle endorsement of any kind. The past few years have seen an increase in motorcycle fatalities and injuries. The committee felt that this could become an issue of safety, by not making people purchasing these vehicles to at least obtain a motorcycle endorsement. Vote 13-0.

HB 1581, relative to drivers' licenses issued to persons under the age of 21. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen H. Nedeau for Transportation: This bill, as prepared will allow the Department of Safety to, upon the passage of a new contract, make a minor's driving license a vertical as opposed to a horizontal license. The amendment changed the effective date to January 1, 2008. Vote 14-0.

Amendment (0744h)

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2008.

HB 1663-FN-L, relative to the licensing fee for motor vehicle recycling yards. **OUGHT TO PASS.**

Rep. Jean-Guy J. Bergeron for Transportation: This bill will allow local governing bodies to charge an annual licensing fee up to \$250 for automobile recycling yards. The fee has not been increased since 1955 when a licensing fee was established. Vote 13-0.

HJR 24, supporting efforts for commuter rail in the state of New Hampshire. **OUGHT TO PASS.**

Rep. Brenda L. Ferland for Transportation: This resolution is in support of commuter rail service. The Governor sent his support for expanding the commuter rail from Nashua. This is a good way to show Congress we support rail expansion. With ever increasing traffic, today's commuting problems, parking, cost, pollution and overcrowding, rail expansion to other parts of the state is the way of the future. The Department of Transportation supports this resolution. Most of the transportation in New Hampshire today is focused on our roads and highways. Vote 10-0.

HB 698-FN, relative to the penalty assessments. **REFER FOR INTERIM STUDY.**

Rep. Susan W. Almy for Ways and Means: The increased revenues from last year's budget changes in court fines and fees and in state troopers are not yet coming in, due to a now-fixed delay in implementation. The committee wishes the opportunity to study this issue over the summer if these revenues do not come in as planned. Vote 13-0.

HB 1514-FN-A, relative to the business enterprise tax credit allowed against the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for Ways and Means: This bill was meant to send a business-friendly message. Unfortunately, the message would cost the state revenues \$30 to \$50 million per year. The sponsor agreed with the committee that we could not afford this loss. Vote 20-0.

SPECIAL ORDERS – EARLY BILLS

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the Majority of Judiciary: This is a comprehensive bill that contains long awaited updates to advance directive laws. The bill clarifies the language within Durable Powers of Attorney for Health Care and Living Wills and modernizes the requirements for same. The definitions of terms, such as “near death” and “permanently unconscious,” are specifically crafted to coincide with modern medical practices. This bill, as amended, will make advance directive laws easier to understand and practical for ill people, families, designated agents and health care providers alike. Additionally, this bill institutes guidelines for Do Not Resuscitate Orders in accordance with the wishes of a patient or his/her own designated agent named in an advance directive. Such Orders determine whether or not performing cardiopulmonary resuscitation is in full compliance with the consent of a patient or the patient’s hand-chosen agent. This section of the bill again clarifies the law allowing people to determine their own future medical care. Vote 15-5.

Rep. Nancy J. Elliott for the Minority of Judiciary: This bill does a disservice to our citizens by expanding the authority of an agent to make healthcare decisions, to withhold or withdraw treatment, which may result in the death of the principal, without having it expressed in a signed document. It also adds the definition of “permanently unconscious” to mean “a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent.” This definition is to be used in connection with end of life decisions to withhold or withdraw treatments. Many elderly patients could fit this definition. The advanced directives (living will) in this bill are slanted toward death giving very little option to citizens wishing to choose life. This bill also changes wording of our current law protecting an “unborn child” to fetus.

Majority Amendment (0124h)

Amend the bill by replacing all after the enacting clause with the following:

I Medical Decision Making for Adults Without Capacity to Make Health Care Decisions for Themselves. RSA 137-J is repealed and reenacted to read as follows:

CHAPTER 137-J

MEDICAL DECISION MAKING FOR ADULTS

WITHOUT CAPACITY TO MAKE HEALTH CARE DECISIONS

137-J:1 Purpose and Policy.

I. The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care. In order that the rights of persons may be respected even after such persons lack the capacity to make health care decisions for themselves, and to encourage communication between patients and their attending physicians or ARNPs, the general court declares that the laws of this state shall recognize the right of a competent person to make a written declaration:

(a) Delegating to an agent the authority to make health care decisions on the person’s behalf, in the event such person is unable to make those decisions for himself or herself, either due to permanent or temporary lack of capacity to make health care decisions;

(b) Instructing his or her attending physician or ARNP to provide, withhold, or withdraw life-sustaining treatment, in the event such person is near death or is permanently unconscious.

II. All persons have a right to make health care decisions, including the right to refuse cardiopulmonary resuscitation. It is the purpose of the “Do Not Resuscitate” provisions of this chapter to ensure that the right of a person to self-determination relating to cardiopulmonary resuscitation is protected, and to give direction to emergency services personnel and other health care providers in regard to the performance of cardiopulmonary resuscitation.

137-J:2 Definitions. In this chapter:

I. “Advance directive” means a document allowing a person to give directions about future

medical care or to designate another person to make medical decisions if he or she should lose the capacity to make health care decisions. The term "advance directives" shall include living wills and durable powers of attorney for health care.

II. "Advanced registered nurse practitioner" or "ARNP" means a registered nurse who is licensed in good standing in the state of New Hampshire as having specialized clinical qualifications as provided in RSA 326-B:10.

III. "Agent" means an adult to whom authority to make health care decisions is delegated under an advance directive.

IV. "Attending physician or ARNP" means the physician or advanced registered nurse practitioner, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient. If more than one physician or advanced registered nurse practitioner shares that responsibility, any one of those physicians or advanced registered nurse practitioners may act as the attending physician or ARNP under the provisions of this chapter.

V. "Capacity to make health care decisions" means the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care.

VI. "Cardiopulmonary resuscitation" means those measures used to restore or support cardiac or respiratory function in the event of a cardiac or respiratory arrest.

VII. "Commissioner" means the commissioner of the department of health and humans services.

VIII. "Do not resuscitate identification" means a standardized identification necklace, bracelet, card, or written medical order that signifies that a "Do Not Resuscitate Order" has been issued for the principal.

IX. "Do not resuscitate order" or "DNR order" (also known as "Do not attempt resuscitation order" or "DNAR order") means an order that, in the event of an actual or imminent cardiac or respiratory arrest, chest compression and ventricular defibrillation will not be performed, the patient will not be intubated or manually ventilated, and there will be no administration of resuscitation drugs.

X. "Durable power of attorney for health care" means a document delegating to an agent the authority to make health care decisions executed in accordance with the provisions of this chapter. It shall not mean forms routinely required by health and residential care providers for admissions and consent to treatment.

XI. "Emergency services personnel" means paid or volunteer firefighters, law-enforcement officers, emergency medical technicians, paramedics or other emergency services personnel, providers, or entities acting within the usual course of their professions.

XII. "Health care decision" means informed consent, refusal to give informed consent, or withdrawal of informed consent to any type of health care, treatment, admission to a health care facility, any service or procedure to maintain, diagnose, or treat an individual's physical or mental condition except as prohibited in this chapter or otherwise by law.

XIII. "Health care provider" means an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer health care, for profit or otherwise, in the ordinary course of business or professional practice.

XIV. "Life-sustaining treatment" means any medical procedures or interventions which utilize mechanical or other medically administered means to sustain, restore, or supplant a vital function which, in the written judgment of the attending physician or ARNP, would serve only to artificially postpone the moment of death, and where the person is near death or is permanently unconscious. "Life-sustaining treatment" includes, but is not limited to, the following: mechanical respiration, kidney dialysis or the use of other external mechanical or technological devices. Life sustaining treatment may include drugs to maintain blood pressure, blood transfusions, and antibiotics. "Life-sustaining treatment" shall not include the administration of medication, natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide comfort or to alleviate pain.

XV. "Living will" means a document which, when duly executed, contains the express direction that no life-sustaining treatment be given when the person executing said document has been diagnosed and certified in writing by the attending physician or ARNP to be near death or permanently unconscious, without hope of recovery from such condition and is unable to actively participate in the decision-making process.

XVI. "Medically administered nutrition and hydration" means invasive procedures such as, but not limited to the following: Nasogastric tubes; gastrostomy tubes; intravenous feeding or hydration; and hyperalimentation. It shall not include the natural ingestion of food or fluids by eating and drinking.

XVII. "Near death" means an incurable condition caused by injury, disease, or illness which is such that death is imminent and the application of life-sustaining treatment would, to a reasonable degree of medical certainty, as determined by 2 physicians or a physician and an ARNP, only postpone the moment of death.

XVIII. "Permanently unconscious" means a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent as determined by an appropriate neurological assessment by a physician in consultation with the attending physician or an appropriate neurological assessment by a physician in consultation with an ARNP.

XIX. "Physician" means a medical doctor licensed in good standing to practice in the state of New Hampshire pursuant to RSA 329.

XX. "Principal" means a person 18 years of age or older who has executed an advance directive pursuant to the provisions of this chapter.

XXI. "Reasonable degree of medical certainty" means a medical judgment that is made by a physician or ARNP who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

XXII. "Residential care provider" means a "facility" as defined in RSA 161-F:11, IV, a "nursing home" as defined in RSA 151-A:1, IV, or any individual or facility licensed, certified, or otherwise authorized or permitted by law to operate, for profit or otherwise, a residential care facility for adults, including but not limited to those operating pursuant to RSA 420-D.

XXIII. "Witness" means a person 18 years or older who is present when the principal signs an advance directive.

137-J:3 Freedom From Influence.

I. No health care provider or residential care provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan shall charge a person a different rate because of the existence or non-existence of an advance directive or do not resuscitate order, or require any person to execute an advance directive or require the issuance of a do not resuscitate order as a condition of admission to a hospital, nursing home, or residential care home, or as a condition of being insured for, or receiving, health or residential care services. Health or residential care services shall not be refused because a person is known to have executed an advance directive or have a do not resuscitate order.

II. The execution of an advance directive or issuance of a do not resuscitate order pursuant to this chapter shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired, modified or invalidated in any manner by the withholding or withdrawal of life-sustaining treatment from an insured person notwithstanding any term of the policy to the contrary.

137-J:4 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect any other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Advance Directives.

137-J:5 Scope and Duration of Agent's Authority.

I. Subject to the provisions of this chapter and any express limitations set forth by the principal in an advance directive, the agent shall have the authority to make any and all health care decisions on the principal's behalf that the principal could make.

II. An agent's authority under an advance directive shall be in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician or ARNP, and filed with the name of the agent in the principal's medical record. When and if the principal regains capacity to make health care decisions, such event shall be certified in writing by the principal's attending physician or ARNP, noted in the principal's medical record, the agent's authority shall terminate, and the authority to make health care decisions shall revert to the principal.

III. If the principal has no attending physician or ARNP for reasons based on the principal's religious or moral beliefs as specified in his or her advance directive, the advance directive may include a provision that a person designated by the principal in the advance directive may certify in writing, acknowledged before a notary or justice of the peace, as to the lack of decisional capacity of the principal. The person so designated by the principal shall not be the agent, or a person ineligible to be the agent.

IV. The principal's attending physician or ARNP shall make reasonable efforts to inform the principal of any proposed treatment, or of any proposal to withdraw or withhold treatment. Notwithstanding that an advance directive is in effect and irrespective of the principal's lack of capacity to make health care decisions at the time, treatment may not be given to or withheld from the principal over the principal's objection.

V. Nothing in this chapter shall be construed to give an agent authority to:

(a) Consent to voluntary admission to any state institution;

(b) Consent to a voluntary sterilization; or

(c) Consent to withholding life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

137-J:6 Requirement to Act in Accordance with Principal's Wishes and Best Interests. After consultation with the attending physician or ARNP and other health care providers, the agent shall make health care decisions in accordance with the agent's knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's assessment of the principal's best interests and in accordance with accepted medical practice.

137-J:7 Provider's Responsibilities.

I. A principal's health care provider or residential care provider, and employees thereof, having knowledge of the principal's advance directive shall be bound to follow the directives of the principal's designated agent to the extent they are consistent with this chapter and the advance directive, and to the extent they are within the bounds of responsible medical practice.

(a) An attending physician or ARNP, or other health care provider or residential care provider, who is requested to do so by the principal shall make the principal's advance directive or a copy of such document a part of the principal's medical record.

(b) Any person having in his or her possession a duly executed advance directive or a revocation thereof, if it becomes known to that person that the principal executing the same is in such circumstances that the terms of the advance directive might become applicable, shall forthwith deliver the same to the health care provider or residential care provider with which the principal is a patient.

II. A principal's health care provider or residential care provider who is aware of the principal's execution of an advance directive shall, as appropriate to the principal's medical condition and without delay, take the necessary steps to provide for written verification of the principal's lack of capacity to make health care decisions, and/or near death or permanently unconscious condition, as applicable, so that the principal's agent may be authorized to act pursuant to this chapter.

III. Prior to the agent making a health care decision for the principal, the principal's health care provider or residential care provider shall provide the agent with the following information regarding the agent's responsibilities:

(a) The agent shall, at all times, make health care decisions that are consistent with what the principal would have wanted, if reasonably known, had the principal had the capacity to make health care decisions.

(b) If the principal's wishes cannot reasonably be ascertained, the agent shall, in consultation with the attending physician or ARNP, make health care decisions that are in the best interest of the principal, which may include withholding or withdrawing treatment.

(c) The agent shall be informed by the principal's attending physician or ARNP regarding any health care decision the agent makes for the principal, and the agent shall consider the nature and consequences, including the risks, benefits and reasonable alternatives of that health care decision.

IV. When the direction of an agent requires an act or omission contrary to the moral or ethical principles or other standards of a health care provider or residential care provider of which the principal is a patient or resident, the health care provider shall allow for the transfer of the principal and the appropriate medical records to another health care provider chosen by the principal or by the agent and shall incur no liability for its refusal to carry out the terms of the direction by the agent; provided, that, the health care provider or residential care provider shall inform the agent of its decision not to participate in such an act or omission.

137-J:8 Restrictions on Who May Act as Agent. A person may not exercise the authority of agent while serving in one of the following capacities:

I. The principal's health care provider or residential care provider.

II. A nonrelative of the principal who is an employee of the principal's health care provider or residential care provider.

137-J:9 Confidentiality and Access to Protected Health Information.

I. Health care providers, residential care providers, and persons acting for such providers or under their control, shall be authorized to;

(a) Communicate to an agent any medical information about the principal, if the principal lacks the capacity to make health care decisions, necessary for the purpose of assisting the agent in making health care decisions on the principal's behalf.

(b) Provide copies of the principal's advance directives as necessary to facilitate treatment of the principal.

II. Subject to any limitations set forth in the advance directive by the principal, an agent whose authority is in effect shall be authorized, for the purpose of making health care decisions, to:

(a) Request, review, and receive any information, oral or written, regarding the principal's physical or mental health, including, but not limited to, medical and hospital records.

(b) Execute any releases or other documents which may be required in order to obtain such medical information.

(c) Consent to the disclosure of such medical information.

137-J:10 Withholding or Withdrawal of Life-Sustaining Treatment.

I. In the event a health care decision to withhold or withdraw life-sustaining treatment, including medically administered nutrition and hydration, is to be made by an agent, and the principal has not executed the "Living Will" component of the advance directive document, the following additional conditions shall apply:

(a) The principal's attending physician or ARNP shall certify in writing that the principal lacks the capacity to make health care decisions.

(b) Two physicians or a physician and an ARNP shall certify in writing that the principal is near death or is permanently unconscious.

(c) Notwithstanding the capacity of an agent to act, the agent shall make a good faith effort to explore all avenues reasonably available to discern the desires of the principal including, but not limited to, the principal's advance directive, the principal's written or spoken expressions of wishes, and the principal's known religious or moral beliefs.

II. The withholding or withdrawal of life-sustaining treatment pursuant to the provisions of this chapter shall at no time be construed as a suicide or murder for any legal purpose. Nothing in this chapter shall be construed to constitute, condone, authorize, or approve suicide, assisted suicide, mercy killing, or euthanasia, or permit any affirmative or deliberate act or omission to end one's own life or to end the life of another other than to permit the natural process of dying of those near death or in a permanently unconscious condition as provided in this chapter. The withholding or withdrawal of life-sustaining treatment in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the principal's condition.

III. Nothing in this chapter shall be construed to condone, authorize, or approve:

(a) The withholding of life-sustaining treatment from or to permit any affirmative or deliberate act or omission to end the life of a pregnant woman by an attending physician or ARNP when such attending physician or ARNP has knowledge of the woman's pregnant condition, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

(b) The arbitrary withholding or withdrawing of life-sustaining treatment from mentally incompetent or developmentally disabled persons.

IV. Nothing in this chapter shall impair or supersede any other legal right or responsibility which any person may have to effect life-sustaining treatment in any lawful manner.

V. Nothing in this chapter shall be construed to revoke or adversely affect the privileges or immunities of health care providers or residential care providers and others to provide treatment to persons in need thereof in an emergency, as provided for under New Hampshire law.

VI. Nothing in this chapter shall be construed to create a presumption that in the absence of an advance directive, a person wants life-sustaining treatment to be either taken or withdrawn. This chapter shall also not be construed to supplant any existing rights and responsibilities under the law of this state governing the conduct of physicians or ARNPs in consultation with patients or their families or legal guardians in the absence of an advance directive.

137-J:11 Liability for Health Care Costs. Liability for the cost of health care provided pursuant to the agent's decision shall be the same as if the health care were provided pursuant to the principal's decision.

137-J:12 Immunity.

I. No person acting as agent pursuant to an advance directive shall be subjected to criminal or civil liability for making a health care decision on behalf of the principal in good faith pursuant to the provisions of this chapter and the terms of the advance directive if such person exercised such power in a manner consistent with the requirements of this chapter and New Hampshire law.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to civil or criminal liability or be deemed to have engaged in unprofessional conduct for:

(a) Any act or intentional failure to act, if the act or intentional failure to act is done pursuant to the dictates of an advance directive, the directives of the principal's agent, and the provisions of this chapter, and said act or intentional failure to act is done in good faith and in keeping with reasonable medical standards pursuant to the advance directive and in accordance with this chapter; or

(b) Failure to follow the directive of an agent if the health care provider or residential care provider or other such person believes in good faith and in keeping with reasonable medical standards that such directive exceeds the scope of or conflicts with the authority of the agent under this chapter or the contents of the principal's advance directive.

III. Nothing in this section shall be construed to establish immunity for the failure to exercise due care in the provision of services or for actions contrary to the requirements of this chapter or other laws of the state of New Hampshire.

IV. For purposes of this section, "good faith" means honesty in fact in the conduct of the transaction concerned.

137-J:13 Use of Statutory Forms.

I. Every person wishing to execute an advance directive shall be provided with a disclosure statement substantially in the form set forth in RSA 137-J:18 prior to execution. The principal shall be required to sign a statement acknowledging that he or she has received the disclosure statement and has read and understands its contents.

II. An advance directive executed on or after the effective date of this chapter shall be substantially in the form set forth in RSA 137-J:19.

III. Medically administered nutrition and hydration shall not be withdrawn or withheld under an advance directive unless there is a clear expression of such power in the document.

137-J:14 Execution and Witnesses.

I. The advance directive shall be signed by the principal in the presence of either of the following:

(a) Two or more subscribing witnesses, neither of whom shall, at the time of execution, be the agent, the principal's spouse or heir at law, or a person entitled to any part of the estate of the principal upon death of the principal under a will, trust, or other testamentary instrument or deed in existence or by operation of law, or attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP. No more than one such witness may be the principal's health or residential care provider or such provider's employee. The witnesses shall affirm that the principal appeared to be of sound mind and free from duress at the time the advance directive was signed and that the principal affirmed that he or she was aware of the nature of the document and signed it freely and voluntarily; or

(b) A notary public or justice of the peace, who shall acknowledge the principal's signature pursuant to the provisions of RSA 456 or RSA 456-A.

II. If the principal is physically unable to sign, the advance directive may be signed by the principal's name written by some other person in the principal's presence and at the principal's express direction.

137-J:15 Revocation.

I. An advance directive consistent with the provisions of this chapter shall be revoked:

(a) By written revocation delivered to the agent or to a health care provider or residential care provider expressing the principal's intent to revoke, signed, and dated by the principal; by

oral revocation in the presence of 2 or more witnesses, none of whom shall be the principal's spouse or heir at law; or by any other act evidencing a specific intent to revoke the power, such as by burning, tearing, or obliterating the same or causing the same to be done by some other person at the principal's direction and in the principal's presence;

(b) By execution by the principal of a subsequent advance directive;

(c) By the filing of an action for divorce, legal separation, annulment or protective order, where both the agent and the principal are parties to such action, except when there is an alternate agent designated, in which case the designation of the primary agent shall be revoked and the alternate designation shall become effective. Re-execution or written re-affirmation of the advance directive following a filing of an action for divorce, legal separation, annulment or protective order shall make effective the original designation of the primary agent under the advance directive; or

(d) By a determination by a court under RSA 506:7 that the agent's authority has been revoked.

II. A principal's health or residential care provider who is informed of or provided with a revocation of an advance directive shall immediately record the revocation, and the time and date when he or she received the revocation, in the principal's medical record and notify the agent, the attending physician or ARNP, and staff responsible for the principal's care of the revocation. An agent who becomes aware of such revocation shall inform the principal's health or residential care provider of such revocation. Revocation shall become effective upon communication to the attending physician or ARNP.

137-J:16 Documents from Other States; Documents Executed Prior to Enactment. Nothing in this chapter limits the enforceability of a durable power of attorney for health care or living will or similar instrument validly executed under prior New Hampshire law or in another state or jurisdiction in compliance with the law of that state or jurisdiction. However, any exercise of power under such a previously valid or foreign advance directive or similar instrument shall be restricted by and in compliance with the requirements of this chapter and the laws of the state of New Hampshire.

137-J:17 Naming of Multiple Agents. If the principal lists more than one person as the agent in a durable power of attorney for health care document, the agents shall have authority in priority of the order in which their names are listed on the document, unless the method of joint agency is expressly included.

137-J:18 Durable Power of Attorney; Disclosure Statement. The disclosure statement which must accompany a durable power of attorney for health care shall be in substantially the following form:

INFORMATION CONCERNING THE DURABLE POWER OF
ATTORNEY FOR HEALTH CARE THIS IS AN IMPORTANT LEGAL DOCUMENT.
BEFORE SIGNING IT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

Except if you say otherwise in the document, this document gives the person you name as your health care agent the power to make any and all health care decisions for you when you lack the capacity to make health care decisions for yourself (in other words, you no longer have the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care). "Health care" means any treatment, service or procedure to maintain, diagnose or treat your physical or mental condition. Your health care agent, therefore, will have the power to make a wide range of health care decisions for you. Your health care agent may consent (in other words, give permission), refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment. Your health care agent cannot consent to or direct any of the following: commitment to a state institution, sterilization, or termination of treatment if you are pregnant and if the withdrawal of that treatment is deemed likely to terminate the pregnancy, unless the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

You may explain in this document any treatment you do not want, or any treatment you want to be sure you receive. Your health care agent's power will begin when your doctor certifies that you lack the capacity to make health care decisions (in other words, that you are not able to make health care decisions). If for moral or religious reasons you do not want to be treated by a doctor or to be examined by a doctor to certify that you lack capacity, you must say so in the document and you must name someone who can certify your lack of capacity. That person cannot be your health care agent or alternate health care agent or any person who is not eligible to be your health care agent. You may attach additional pages to the document if you need more space to state your wishes.

If you want to give your health care agent power to withhold or withdraw medically administered nutrition and hydration, you must say so in your document. Otherwise, your health care agent will not be able to direct that. Under no conditions will your health care agent be able to direct the withholding of food and drink that you are able to eat and drink normally.

Your health care agent shall be guided by your written instructions in this document when making decisions for you. Unless you state otherwise in the document, your agent will have the same power to make decisions about your health care as you would have had, if those decisions by your health care agent are made consistent with state law.

It is important that you discuss this document with your doctor or other health care providers before you sign it, to make sure that you understand the nature and range of decisions which could be made for you by your health care agent. If you do not have a health care provider, you should talk with someone else who is knowledgeable about these issues and can answer your questions. Check with your community hospital or hospice for trained staff. You do not need a lawyer's assistance to complete this document, but if there is anything in this document that you do not understand, you should ask a lawyer to explain it to you.

The person you choose as your health care agent should be someone you know and trust, and he or she must be at least 18 years old. If you choose your health or residential care provider (such as your doctor, advanced registered nurse practitioner, or an employee of a hospital, nursing home, home health agency, or residential care home, other than a relative), that person will have to choose between acting as your health care agent or as your health or residential care provider, because the law does not allow a person to do both at the same time.

You should consider choosing an alternate health care agent, in case your health care agent is unwilling, unable, unavailable or not eligible to act as your health care agent. Any alternate health care agent you choose will then have the same authority to make health care decisions for you.

You should tell the person you choose that you want him or her to be your health care agent. You should talk about this document with your health care agent and your doctor or advanced registered nurse practitioner and give each one a signed copy. You should write on the document itself the people and institutions who will have signed copies. Your health care agent will not be liable for health care decisions made in good faith on your behalf.

EVEN AFTER YOU HAVE SIGNED THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE HEALTH CARE DECISIONS FOR YOURSELF AS LONG AS YOU ARE ABLE TO DO SO, AND TREATMENT CANNOT BE GIVEN TO YOU OR STOPPED OVER YOUR CLEAR OBJECTION. You have the right to revoke the power given to your health care agent by telling him or her, or by telling your health care provider, orally or in writing, that you no longer want that person to be your health care agent.

This document cannot be changed or modified. If you want to make changes, you must make an entirely new document.

THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR TWO (2) OR MORE QUALIFIED WITNESSES, WHO MUST BOTH BE PRESENT WHEN YOU SIGN AND WHO WILL ACKNOWLEDGE YOUR SIGNATURE ON THE DOCUMENT. THE FOLLOWING PERSONS MAY NOT ACT AS WITNESSES:

- _____ The person you have designated as your health care agent;
- _____ Your spouse or heir at law;
- _____ Your attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP;

ONLY ONE OF THE TWO WITNESSES MAY BE YOUR HEALTH OR RESIDENTIAL CARE PROVIDER OR ONE OF YOUR PROVIDER'S EMPLOYEES.

137-J:19 Advance Directive; Durable Power of Attorney and Living Will; Form. An advance directive in its individual "Durable Power of Attorney for Healthcare" and "Living Will" components shall be in substantially the following form:

NEW HAMPSHIRE ADVANCE DIRECTIVE

NOTE: This form has two sections.

You may complete both sections, or only one section.

I. DURABLE POWER OF ATTORNEY FOR HEALTH CARE

I, _____, hereby appoint _____ of _____ (Please choose only one person. If you choose more than one agent, they will have authority in priority of the order their names are listed.) as my agent to

make any and all health care decisions for me, except to the extent I state otherwise in this document or as prohibited by law. This durable power of attorney for health care shall take effect in the event I lack the capacity to make my own health care decisions.

In the event the person I appoint above is unable, unwilling or unavailable, or ineligible to act as my health care agent, I hereby appoint _____ of _____ as alternate agent. *(Please choose only one person. If you choose more than one alternate agent, they will have authority in priority of the order their names are listed.)*

STATEMENT OF DESIRES, SPECIAL PROVISIONS, AND LIMITATIONS REGARDING HEALTH CARE DECISIONS.

For your convenience in expressing your wishes, some general statements concerning the withholding or removal of life-sustaining treatment are set forth below. (Life-sustaining treatment is defined as procedures without which a person would die, such as but not limited to the following: mechanical respiration, kidney dialysis or the use of other external mechanical and technological devices, drugs to maintain blood pressure, blood transfusions, and antibiotics.) There is also a section which allows you to set forth specific directions for these or other matters. If you wish, you may indicate your agreement or disagreement with any of the following statements and give your agent power to act in those specific circumstances.

A. LIFE-SUSTAINING TREATMENT.

1. If I am near death and permanently lack the capacity to make health care decisions, I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

_____ (a) life-sustaining treatment not be started, or if started, be discontinued.

-or-

_____ (b) life-sustaining treatment continue to be given to me.

2. Whether near death or not, if I become permanently unconscious I authorize my agent to direct that: *(Initial beside your choice of (a) or (b).)*

_____ (a) life-sustaining treatment not be started, or if started, be discontinued.

-or-

_____ (b) life-sustaining treatment continue to be given to me.

B. MEDICALLY ADMINISTERED NUTRITION AND HYDRATION.

1. I realize that situations could arise in which the only way to allow me to die would be to not start or to discontinue medically administered nutrition and hydration. In carrying out any instructions I have given in this document, I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

_____ (a) medically administered nutrition and hydration not be started or, if started, be discontinued.

-or-

_____ (b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

(If you fail to complete item B, your agent will not have the power to direct the withholding or withdrawal of medically administered nutrition and hydration.)

C. ADDITIONAL INSTRUCTIONS.

Here you may include any specific desires or limitations you deem appropriate, such as when or what life-sustaining treatment you would want used or withheld, or instructions about refusing any specific types of treatment that are inconsistent with your religious beliefs or are unacceptable to you for any other reason. You may leave this question blank if you desire.

(attach additional pages as necessary)

I hereby acknowledge that I have been provided with a disclosure statement explaining the effect of this document. I have read and understand the information contained in the disclosure statement.

The original of this document will be kept at _____ and the following persons and institutions will have signed copies:

Signed this _____ day of _____, 2 _____

Principal's Signature: _____

[If you are physically unable to sign, this document may be signed by someone else writing your name, in your presence and at your express direction.]

THIS POWER OF ATTORNEY DOCUMENT MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC.

We declare that the principal appears to be of sound mind and free from duress at the time the durable power of attorney for health care is signed and that the principal affirms that he or she is aware of the nature of the document and is signing it freely and voluntarily.

Witness: _____ Address: _____

Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing durable power of attorney for health care was acknowledged before me this _____ day of _____, 20 _____, by _____ ("the Principal").

Notary Public / Justice of the Peace

My commission expires:

II. LIVING WILL

Declaration made this _____ day of _____, 20 _____.

I, _____, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness and I am certified to be near death or in a permanently unconscious condition by my attending physician or ARNP, and my attending physician or ARNP has determined that my death will occur whether or not life-sustaining treatment is utilized or that I will remain in a permanently unconscious condition and where the application of life-sustaining treatment would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, the natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide me with comfort care. I realize that situations could arise in which the only way to allow me to die would be to discontinue medically administered nutrition and hydration.

In carrying out any instruction I have given under this section, I authorize that:

(Initial beside your choice of (a) or (b).)

_____ (a) medically administered nutrition and hydration not be started or, if started, be discontinued,

-or-

_____ (b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

In the absence of my ability to give directions regarding the use of such life-sustaining treatment, it is my intention that this declaration shall be honored by my family and health care providers as the final expression of my right to refuse medical or surgical treatment and accept the consequences of such refusal.

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Signed this _____ day of _____, 2 _____.

Principal's Signature: _____

[If you are physically unable to sign, this document may be signed by someone else writing your name, in your presence and at your express direction.]

THIS LIVING WILL DOCUMENT MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC.

We declare that the principal appears to be of sound mind and free from duress at the time the living will is signed and that the principal affirms that he or she is aware of the nature of the document and is signing it freely and voluntarily.

Witness: _____ Address: _____
 Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing living will was acknowledged before me this _____ day of _____, 20 ____, by _____ ("the Principal").

Notary Public / Justice of the Peace

My commission expires:

137-J:20 Effect of Appointment of Guardian; Inconsistency.

I. On motion filed in connection with a petition for appointment of a guardian or on petition of a guardian if one has been appointed, the probate court shall consider whether the authority of an agent designated pursuant to an advance directive should be suspended or revoked. In making its determination, the probate court shall take into consideration the preferences of the principal as expressed in the advance directive. No such consideration shall change the procedures or burden of proof involved in the guardianship process as otherwise provided by law or procedures. In such consideration, the advance directive and agent appointed shall be presumed to be in the best interest of the principal and valid, absent clear and convincing evidence to the contrary.

II. To the extent that a durable power of attorney for health care, or such component of an advance directive as set forth in RSA 137-J:19, conflicts with a terminal care document or living will, or such component of an advance directive as set forth in RSA 137-J:19, the durable power of attorney for health care shall control.

137-J:21 Civil Action.

I. The principal or any person who is a near relative of the principal, or who is a responsible adult who is directly interested in the principal by personal knowledge and acquaintance, including, but not limited to a guardian, social worker, physician, or clergyman, may file an action in the probate court of the county where the principal is located at the time:

(a) Requesting that the authority granted to an agent by an advance directive be revoked on the grounds that the principal was not of sound mind or was under duress, fraud, or undue influence when the advance directive was executed, and shall have all the rights and remedies provided by RSA 506:7 which shall apply to documents executed under this chapter and persons acting pursuant to this chapter.

(b) Challenging the right of any agent who is acting or who proposes to act as such pursuant to this chapter and naming another person, who agrees to so act, to be appointed guardian over the person of the principal for the sole purpose of making health care decisions, as provided for in RSA 464-A.

II. A copy of any such action shall be given in hand to the principal's attending physician or ARNP and, as applicable, to the principal's health care provider or residential care provider. To the extent they are not irreversibly implemented, health care decisions made by a challenged agent shall not thereafter be implemented without an order of the probate court or a withdrawal or dismissal of the court action.

III. The probate court in which such a petition is filed shall hold a hearing as expeditiously as possible.

137-J:22 Penalty. A person who knowingly and falsely makes, alters, forges, or counterfeits, or knowingly and falsely causes to be made, altered, forged, or counterfeited, or procures, aids or counsels the making, altering, forging, or counterfeiting, of an advance directive or revocation of same with the intent to injure or defraud a person shall be guilty of a class B felony, notwithstanding any provisions in title LXII.

Do Not Resuscitate

137-J:23 Applicability. The provisions of this subdivision apply to all persons regardless of whether or not they have completed an advance directive.

137-J:24 Presumed Consent to Cardiopulmonary Resuscitation; Health Care Providers and Residential Care Providers Not Required to Expand to Provide Cardiopulmonary Resuscitation.

I. Every person shall be presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless one or more of the following conditions, of which the health care provider or residential care provider has actual knowledge, apply:

(a) A do not resuscitate order in accordance with the provisions of this chapter has been issued for that person;

(b) A completed advance directive for that person is in effect, pursuant to the provisions of this chapter, in which the person indicated that he or she does not wish to receive cardiopulmonary resuscitation, or his or her agent has determined that the person would not wish to receive cardiopulmonary resuscitation; or

(c) A person is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof.

II. Nothing in this section shall be construed to revoke any statute, regulation, or law otherwise requiring or exempting a health care provider or residential care provider from instituting or maintaining the ability to provide cardiopulmonary resuscitation or expanding its existing equipment, facilities, or personnel to provide cardiopulmonary resuscitation.

137-J:25 Issuance of a Do Not Resuscitate Order; Order to be Written by the Attending Physician or ARNP.

I. An attending physician or ARNP may issue a do not resuscitate order for a person if the person, or the person's agent, has consented to the order. A do not resuscitate order shall be issued in writing in the form as described in this section for a person not present or residing in a health care facility. For persons present in health care facilities, a do not resuscitate order shall be issued in accordance with the policies and procedures of the health care facility or in accordance with the provisions of this chapter.

II. A person may request that his or her attending physician or ARNP issue a do not resuscitate order for the person.

III. An agent may consent to a do not resuscitate order for a person who lacks the capacity to make health care decisions. A do not resuscitate order written by the attending physician or ARNP for such a person with the consent of the agent is valid and shall be respected by health care providers and residential care providers.

IV. For persons not present or residing in a health care facility, the do not resuscitate order shall be noted on a medical orders form or in substantially the following form on a card suitable for carrying on the person:

Do Not Resuscitate Order

As attending physician or ARNP of _____ and as a licensed physician or advanced registered nurse practitioner, I order that this person **SHALL NOT BE RESUSCITATED** in the event of cardiac or respiratory arrest.

This order has been discussed with _____ (or, if applicable, with his/her agent), _____, who has given consent as evidenced by his/her signature below.

Attending physician or ARNP Name _____

Attending physician or ARNP Signature _____

Address _____

Person Signature _____

Address _____

Agent Signature (if applicable) _____

Address _____

V. For persons residing in a health care facility, the do not resuscitate order shall be reflected in at least one of the following forms:

- Forms required by the policies and procedures of the health care facility;
- The do not resuscitate card as set forth in paragraph V; or
- The medical orders form.

137-J:26 Compliance with a Do Not Resuscitate Order.

I. Health care providers and residential care providers shall comply with the do not resuscitate order when presented with one of the following:

(a) A do not resuscitate order completed by the attending physician or ARNP on a form as specified in RSA 137-J:25;

(b) A do not resuscitate order for a person present or residing in a health care facility issued in accordance with the health care facility's policies and procedures; or

(c) A medical orders form on which the attending physician or ARNP has documented a do not resuscitate order.

II. Pursuant to this chapter, health care providers shall respect do not resuscitate orders for persons in health care facilities, ambulances, homes, and communities within this state.

137-J:27 Protection of Persons Carrying Out in Good Faith a Do Not Resuscitate Order; Notification of Agent by Attending Physician or ARNP Refusing to Comply with Do Not Resuscitate Order.

I. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to criminal or civil liability, or be deemed to have engaged in unprofessional conduct, for carrying out in good faith a do not resuscitate order authorized by this chapter on behalf of a person as instructed by the person, or the person's agent, or for those actions taken in compliance with the standards and procedures set forth in this chapter.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, or other individual who witnesses a cardiac or respiratory arrest shall be subjected to criminal or civil liability for providing cardiopulmonary resuscitation to a person for whom a do not resuscitate order has been issued; provided, that such provider or individual:

(a) Reasonably and in good faith is unaware of the issuance of a do not resuscitate order; or

(b) Reasonably and in good faith believed that consent to the do not resuscitate order has been revoked or canceled.

III. Any attending physician or ARNP who refuses to issue a do not resuscitate order at a person's request or to comply with a do not resuscitate order issued pursuant to this chapter shall take reasonable steps to advise promptly the person or agent of the person that such attending physician or ARNP is unwilling to effectuate the order. The attending physician or ARNP shall thereafter at the election of the person or agent permit the person or agent to obtain another attending physician or ARNP.

137-J:28 Revocation of Do Not Resuscitate Order.

I. At any time a person in a health care facility may revoke his or her previous request for or consent to a do not resuscitate order by making either a written, oral, or other act of communication to the attending physician or ARNP or other professional staff of the health care facility.

II. At any time a person residing at home may revoke his or her do not resuscitate order by destroying such order and removing do not resuscitate identification on his or her person. The person is responsible for notifying his or her attending physician or ARNP of the revocation.

III. At any time an agent may revoke his or her consent to a do not resuscitate order for a person who lacks capacity to make health care decisions who is admitted to a health care facility by notifying the attending physician or ARNP or other professional staff of the health care facility of the revocation of consent in writing, or by orally notifying the attending physician or ARNP in the presence of a witness 18 years of age or older.

IV. At any time an agent may revoke his or her consent for a person who lacks capacity to make health care decisions who is residing at home by destroying such order and removing do not resuscitate identification from the person. The agent is responsible for notifying the person's attending physician or ARNP of the revocation.

V. The attending physician or ARNP who is informed of or provided with a revocation of consent pursuant to this section shall immediately cancel the do not resuscitate order if the person is in a health care facility and notify the professional staff of the health care facility responsible for the person's care of the revocation and cancellation. Any professional staff of the health care facility who is informed of or provided with a revocation of consent pursuant to this section shall immediately notify the attending physician or ARNP of such revocation.

VI. Only a physician or advanced registered nurse practitioner may cancel the issuance of a do not resuscitate order.

137-J:29 Not Suicide or Murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter shall not, for any purpose, constitute suicide or murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the person's condition. Nothing in this chapter shall be construed to legalize, condone, authorize, or approve mercy killing or assisted suicide.

137-J:30 Interinstitutional Transfers. If a person with a do not resuscitate order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of a do not resuscitate order to the receiving facility prior to the transfer. The written do not resuscitate order, the do not resuscitate card as described in RSA 137-J:25, or the medical orders form shall accompany the person to the health care facility receiving the person and shall remain effective until a physician at the receiving facility issues admission orders. The do not resuscitate card or the medical orders form shall be kept as the first page in the person's transfer records.

137-J:31 Preservation of Existing Rights.

I. Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding of cardiopulmonary resuscitation in any lawful manner. In such respect, the provisions of this chapter are cumulative.

II. Nothing in this chapter shall be construed to preclude a court of competent jurisdiction from approving the issuance of a do not resuscitate order under circumstances other than those under which such an order may be issued pursuant to the provisions of this chapter.

137-J:32 Do Not Resuscitate Identification. Do not resuscitate identification as set forth in this chapter may consist of either a medical condition bracelet or necklace with the inscription of the person's name, date of birth in numerical form and "NH Do Not Resuscitate" or "NH DNR" on it. Such identification shall be issued only upon presentation of a properly executed do not resuscitate order form as set forth in RSA 137J:25, a medical orders form in which a physician or advanced registered nurse practitioner has documented a do not resuscitate order, or a do not resuscitate order properly executed in accordance with a health care facility's written policy and procedure.

2 Emergency Care; Reference Change. Amend RSA 153-A:20, II to read as follows:

II. Protocols recommended by the emergency medical services medical control board for provision of emergency medical care, which shall provide for the provision of local options under medical control. The protocols shall address living wills established under RSA ~~[137-H]~~ **137-J**, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

3 Guardians; Reference Change. Amend RSA 464-A:25, I(d) to read as follows:

(d) If a ward has previously executed a valid living will, under RSA ~~[137-H]~~ **137-J**, a guardian shall be bound by the terms of such document, provided that the court may hold a hearing to interpret any ambiguity in such document. If a ward has previously executed a valid durable power of attorney for health care, RSA 137-J shall apply.

4 Jurisdiction; Reference Change. Amend RSA 547:3, (j) to read as follows:

(j) The interpretation and effect of living wills under RSA ~~[137-H]~~ **137-J**.

5 Repeal. RSA 137-H, relative to living wills, is hereby repealed.

6 Effective Date. This act shall take effect January 1, 2007.

Reps. Dokmo, Nancy Elliott, Rowe and Mirski spoke against.

Rep. Balboni requested a roll call; sufficiently seconded.

YEAS 4 NAYS 327

YEAS 4

BELKNAP

CARROLL

CHESHIRE

COOS

GRAFTON

HILLSBOROUGH

MERRIMACK

ROCKINGHAM

STRAFFORD

None

None

None

None

None

Ross, Lawrence

None

Bishop, Franklin

Johnson, Robert

McKinney, Betsy

None

SULLIVAN

None

NAYS 327**BELKNAP**

Allen, Janet
Flanders, Donald
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Boyce, Laurie
Heald, Bruce
Pilliod, James
Tilton, Franklin
Whalley, Michael

Clark, Charles
Millham, Alida
Rosen, Ralph
Tobin, William

Fitzgerald, James
Morrison, Gail
Russell, David
Veazey, John

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Philbrick, Donald

Babson, David Jr
Dickinson, Howard
Morrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Allen, Peter
Dexter, Judson
Espieffs, Peter
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

Butynski, William
Eaton, Daniel
Hogancamp, Deborah
Pelkey, Stephen
Roberts, Kris
Weed, Charles

Chase, William
Emerson, Susan
Hunt, John
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Merrick, Scott
Stohl, Eric

King, Frederick
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

GRAFTON

Aguiar, James
Bleyler, Ruth
Giuda, Robert
McLeod, Martha
Sokol, Hilda
Williams, Burton

Almy, Susan
Cooney, Mary
Hammond, Lee
Mirski, Paul
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Harding, A Laurie
Mulholland, Catherine
Sorg, Gregory

Benn, Bernard
Gionet, Edmond
Ingbertson, Paul
Nordgren, Sharon
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Baroody, Benjamin
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Cote, Peter
Desmarais, Vivian
Dyer, Donald
Essex, David
Ginsburg, Ruth
Goyette, Peter Jr
Hall, Betty
Hinkle, Peyton
Judy, Jean
Lasky, Bette
Matarazzo, Anthony Sr
Mooney, Maureen
Ober, Lynne
Price, Pamela
Rosenwald, Cindy

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carew, James
Christiansen, Lars
Coughlin, Pamela
DeVries, Betsi
Egbers, Fran
Foster, Linda
Golding, William
Graham, John
Harvey, Suzanne
Infantine, William
Kopka, Angeline
Lawrence, James
McRae, Karen
Movsesian, Lori
Palangas, Eric
Reeves, Sandra
Rowe, Robert

Allan, Nelson
Beaulieu, Jane
Brassard, Paul
Carter, Mark
Clemons, Jane
Craig, James
Dokmo, Cynthia
Elliott, Nancy
Gargas, Carolyn
Goley, Jeffrey
Hagan, Barbara
Hawkins, Ken
Jasper, Shawn
Kurk, Neal
Manney, Pamela
Mead, Robert
O'Brien, William
Pappas, Christopher
Renzullo, Andrew
Ryder, Donald

Balboni, Michael
Bergeron, Jean-Guy
Brundige, Robert
Chase, Claudia
Cote, David
Daniuk, Caitlin
Drisko, Richard
Emerton, Larry
Gibson, John
Gorman, Mary
Haley, Robert
Hellwig, Steve
Jean, Claudette
L'Heureux, Robert
Martin, Mary Ellen
Messier, Irene
O'Connell, Timothy
Pilotte, Maurice
Rochette, Eric
Shattuck, Gilman

Shaw, Barbara
Souza, Kathleen
Tahir, Saghir
Villeneuve, Maurice

Shaw, Kimberly
Stepanek, Stephen
Ulery, Jordan
Wheeler, James

Slocum, Lee
Sullivan, Francis
Vaillancourt, Steve

Smith, David
Sullivan, Peter
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Gile, Mary
Kidder, David
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
Currier, David
Field, William
Greco, Vincent
Klose, John
MacKay, James
Oliver, James
Reed, Dennis
Soltani, Tony
Williams, Robert

Bouchard, Candace
Danforth, James
Foose, Robert
Hess, David
L'Heureux, Stephen
Marple, Richard
Osborne, Jessie
Rush, Deanna
Tilton, Joy
Yeaton, Charles

Brueggemann, Donald
DeJoie, John
French, Barbara
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy
Potter, Frances
Ryan, Jim
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Cali-Pitts, Jacqueline
Charron, Gene
DiFruscia, Anthony
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Itse, Daniel
Langley, Jane
Moody, Marcia
Nowe, Ronald
Parker, Benjamin
Quandt, Matthew
Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

Allen, Mary
Bridle, Russell
Camm, Kevin
Coburn, James
Dowd, John
Flanders, John Sr
Garrity, James
Hopfgarten, Paul
Katsakiores, George
Lund, Howie
Moore, Benjamin
O'Neil, Michael
Powers, James
Rausch, James
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman

Belanger, Ronald
Buxton, Donald
Carson, Sharon
Cooney, Richard
Doyle, Christopher
Flockhart, Eileen
Gilbert, Karl
Hughes, Daniel
Katsakiores, Phyllis
Major, Norman
Morris, Richard
Packard, Sherman
Priestley, Anne
Robertson, Carl
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Cady, Harriet
Casey, Kimberley
Dalrymple, Janeen
Dumaine, Dudley
Forsing, Robert
Gould, Kenneth
Ingram, Russell
Kobel, Rudolph
Mason, April
Norelli, Terie
Palazzo, Frank
Quandt, Marshall Lee
Robinson, John
Splaine, James
Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Brown, Lawrence
Creteau, Irene
Goodwin, Earle
Knowles, William
Rous, Emma
Spang, Judith

Berube, Roger
Callaghan, Frank
Domingo, Baldwin
Heon, Richard
Miller, Joseph
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Cataldo, Sam
Dunlap, Patricia
Hofemann, Roland
Newton, Clifford
Smith, Marjorie
Wall, Janet

Brown, Julie
Cilley, Jacalyn
Easson, Timothy
Johnson, Nancy
Rollo, Michael
Snyder, Clair

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Irish, Christopher
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

and the majority committee amendment failed.
Rep. Mooney offered floor amendment (0898h).

Floor Amendment (0898h)

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 137-H, relative to living wills, is hereby repealed.

2 Written Directives for Medical Decision Making for Adults Without Capacity to Make Health Care Decisions for Themselves. RSA 137-J is repealed and reenacted to read as follows:

CHAPTER 137-J

WRITTEN DIRECTIVES FOR MEDICAL DECISION MAKING FOR ADULTS
WITHOUT CAPACITY TO MAKE HEALTH CARE DECISIONS

137-J:1 Purpose and Policy.

I. The state of New Hampshire recognizes that a person has a right, founded in the autonomy and sanctity of the person, to control the decisions relating to the rendering of his or her own medical care. In order that the rights of persons may be respected even after such persons lack the capacity to make health care decisions for themselves, and to encourage communication between patients and their attending physicians or ARNPs, the general court declares that the laws of this state shall recognize the right of a competent person to make a written directive:

(a) Delegating to an agent the authority to make health care decisions on the person's behalf, in the event such person is unable to make those decisions for himself or herself, either due to permanent or temporary lack of capacity to make health care decisions;

(b) Instructing his or her attending physician or ARNP to provide, withhold, or withdraw life-sustaining treatment, in the event such person is near death or is permanently unconscious.

II. All persons have a right to make health care decisions, including the right to refuse cardiopulmonary resuscitation. It is the purpose of the "Do Not Resuscitate" provisions of this chapter to ensure that the right of a person to self-determination relating to cardiopulmonary resuscitation is protected, and to give direction to emergency services personnel and other health care providers in regard to the performance of cardiopulmonary resuscitation.

137-J:2 Definitions. In this chapter:

I. "Advance directive" means a directive allowing a person to give directions about future medical care or to designate another person to make medical decisions if he or she should lose the capacity to make health care decisions. The term "advance directives" shall include living wills and durable powers of attorney for health care.

II. "Advanced registered nurse practitioner" or "ARNP" means a registered nurse who is licensed in good standing in the state of New Hampshire as having specialized clinical qualifications as provided in RSA 326-B:10.

III. "Agent" means an adult to whom authority to make health care decisions is delegated under an advance directive.

IV. "Attending physician or ARNP" means the physician or advanced registered nurse practitioner, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient. If more than one physician or advanced registered nurse practitioner shares that responsibility, any one of those physicians or advanced registered nurse practitioners may act as the attending physician or ARNP under the provisions of this chapter.

V. "Capacity to make health care decisions" means the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care.

VI. "Cardiopulmonary resuscitation" means those measures used to restore or support cardiac or respiratory function in the event of a cardiac or respiratory arrest.

VII. "Commissioner" means the commissioner of the department of health and human services.

VIII. "Do not resuscitate identification" means a standardized identification necklace, bracelet, card, or written medical order that signifies that a "Do Not Resuscitate Order" has been issued for the principal.

IX. "Do not resuscitate order" or "DNR order" (also known as "Do not attempt resuscitation order" or "DNAR order") means an order that, in the event of an actual or imminent cardiac or respiratory arrest, chest compression and ventricular defibrillation will not be performed, the patient will not be intubated or manually ventilated, and there will be no administration of resuscitation drugs.

X. "Durable power of attorney for health care" means a document delegating to an agent the authority to make health care decisions executed in accordance with the provisions of this chapter. It shall not mean forms routinely required by health and residential care providers for admissions and consent to treatment.

XI. "Emergency services personnel" means paid or volunteer firefighters, law-enforcement officers, emergency medical technicians, paramedics or other emergency services personnel, providers, or entities acting within the usual course of their professions.

XII. "Health care decision" means informed consent, refusal to give informed consent, or

withdrawal of informed consent to any type of health care, treatment, admission to a health care facility, any service or procedure to maintain, diagnose, or treat an individual's physical or mental condition except as prohibited in this chapter or otherwise by law.

XIII. "Health care provider" means an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer health care, for profit or otherwise, in the ordinary course of business or professional practice.

XIV. "Life-sustaining treatment" means any medical procedures or interventions which utilize mechanical or other medically administered means to sustain, restore, or supplant a vital function which, in the written judgment of the attending physician or ARNP, would serve only to artificially postpone the moment of death, and where the person is near death or is permanently unconscious. "Life-sustaining treatment" includes, but is not limited to, the following: mechanical respiration, kidney dialysis or the use of other external mechanical or technological devices. Life sustaining treatment may include drugs to maintain blood pressure, blood transfusions, and antibiotics. "Life-sustaining treatment" shall not include the administration of medication, natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide comfort or to alleviate pain.

XV. "Living will" means a directive which, when duly executed, contains the express direction that no life-sustaining treatment be given when the person executing said directive has been diagnosed and certified in writing by the attending physician or ARNP to be near death or permanently unconscious, without hope of recovery from such condition and is unable to actively participate in the decision-making process.

XVI. "Medically administered nutrition and hydration" means invasive procedures such as, but not limited to the following: Nasogastric tubes; gastrostomy tubes; intravenous feeding or hydration; and hyperalimentation. It shall not include the natural ingestion of food or fluids by eating and drinking.

XVII. "Near death" means an incurable condition caused by injury, disease, or illness which is such that death is imminent and the application of life-sustaining treatment would, to a reasonable degree of medical certainty, as determined by 2 physicians or a physician and an ARNP, only postpone the moment of death.

XVIII. "Permanently unconscious" means a lasting condition, indefinitely without improvement, in which thought, awareness of self and environment, and other indicators of consciousness are absent as determined by an appropriate neurological assessment by a physician in consultation with the attending physician or an appropriate neurological assessment by a physician in consultation with an ARNP.

XIX. "Physician" means a medical doctor licensed in good standing to practice in the state of New Hampshire pursuant to RSA 329.

XX. "Principal" means a person 18 years of age or older who has executed an advance directive pursuant to the provisions of this chapter.

XXI. "Qualified patient" means a patient who has executed a declaration in accordance with this chapter and who has been diagnosed and certified in writing to be in a near death condition as determined by 2 physicians or a physician and an ARNP or permanently unconscious as determined by an appropriate neurological assessment by a physician in consultation with the attending physician or an appropriate neurological assessment by a physician in consultation with an ARNP.

XXII. "Reasonable degree of medical certainty" means a medical judgment that is made by a physician or ARNP who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

XXIII. "Residential care provider" means a "facility" as defined in RSA 161-F:11, IV, a "nursing home" as defined in RSA 151-A:1, IV, or any individual or facility licensed, certified, or otherwise authorized or permitted by law to operate, for profit or otherwise, a residential care facility for adults, including but not limited to those operating pursuant to RSA 420-D.

XXIV. "Witness" means a competent person 18 years or older who is present when the principal signs an advance directive.

137-J:3 Freedom From Influence.

I. No health care provider or residential care provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan shall charge a person a different rate because of the existence or non-existence of

an advance directive or do not resuscitate order, or require any person to execute an advance directive or require the issuance of a do not resuscitate order as a condition of admission to a hospital, nursing home, or residential care home, or as a condition of being insured for, or receiving, health or residential care services. Health or residential care services shall not be refused because a person is known to have executed an advance directive or have a do not resuscitate order.

II. The execution of an advance directive or issuance of a do not resuscitate order pursuant to this chapter shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired, modified or invalidated in any manner by the withholding or withdrawal of life-sustaining treatment from an insured person notwithstanding any term of the policy to the contrary.

137-J:4 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect any other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Advance Directives

137-J:5 Scope and Duration of Agent's Authority.

I. Subject to the provisions of this chapter and any express limitations set forth by the principal in an advance directive, the agent shall have the authority to make any and all health care decisions on the principal's behalf that the principal could make.

II. An agent's authority under an advance directive shall be in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician or ARNP, and filed with the name of the agent in the principal's medical record. When and if the principal regains capacity to make health care decisions, such event shall be certified in writing by the principal's attending physician or ARNP, noted in the principal's medical record, the agent's authority shall terminate, and the authority to make health care decisions shall revert to the principal.

III. If the principal has no attending physician or ARNP for reasons based on the principal's religious or moral beliefs as specified in his or her advance directive, the advance directive may include a provision that a person designated by the principal in the advance directive may certify in writing, acknowledged before a notary or justice of the peace, as to the lack of decisional capacity of the principal. The person so designated by the principal shall not be the agent, or a person ineligible to be the agent.

IV. The principal's attending physician or ARNP shall make reasonable efforts to inform the principal of any proposed treatment, or of any proposal to withdraw or withhold treatment. Notwithstanding that an advance directive is in effect and irrespective of the principal's lack of capacity to make health care decisions at the time, treatment may not be given to or withheld from the principal over the principal's objection.

V. Nothing in this chapter shall be construed to give an agent authority to:

(a) Consent to voluntary admission to any state institution;

(b) Consent to a voluntary sterilization; or

(c) Consent to withholding life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

137-J:6 Requirement to Act in Accordance with Principal's Wishes and Best Interests. After consultation with the attending physician or ARNP and other health care providers, the agent shall make health care decisions in accordance with the agent's knowledge of the principal's wishes and religious or moral beliefs, as stated orally or otherwise communicated by the principal, or, if the principal's wishes are unknown, in accordance with the agent's assessment of the principal's best interests and in accordance with accepted medical practice.

137-J:7 Physician, ARNP, and Provider's Responsibilities.

I. An attending physician or any other physician under his or her direction or control or an ARNP having in his or her possession his or her patient's living will, or having knowledge that such a duly executed directive is part of the patient's record in the institution in which he or she is receiving care, or who has been notified of the existence of a directive executed under this

chapter, shall follow as closely as possible within the bounds of responsible medical practice, the dictates of such directive subject to paragraph II. In addition, the attending physician, or any other physician under his or her control or direction or an ARNP who becomes aware, pursuant to this section, of such a directive shall, without delay, take the necessary steps to provide for written verification of the patient's near death or permanently unconscious condition, so that the patient may be deemed to be a qualified patient under this chapter. However, if a physician or an ARNP, because of his or her personal beliefs or conscience, is unable to comply with the terms of the directive, he or she shall immediately inform the patient, the patient's family, or the patient's agent. The qualified patient may, or the family of the qualified patient shall, or the patient's agent shall, then request that the case be referred to another physician.

II. An attending physician or ARNP who, because of personal beliefs or conscience, is unable to comply with the directive pursuant to this chapter shall, without delay, make the necessary arrangements to effect the transfer of the qualified patient and the appropriate medical records that document the patient's lack of capacity to make health care decisions to another physician or ARNP who has been chosen by the qualified patient or by the family of the qualified patient, or the patient's agent, provided, that pending the completion of the transfer, the attending physician or ARNP shall not deny health care treatment, nutrition, or hydration which denial would, within a reasonable degree of medical certainty, result in or hasten the qualified patient's death against the express will of the qualified patient, the directive, or the agent.

III. Medically administered nutrition and hydration and life sustaining treatment shall not be withdrawn or withheld under this chapter unless:

- (a) There is a clear expression of such intent in the directive;
- (b) The attending physician or ARNP is of the opinion such treatment would cause unnecessary suffering or hasten death; or
- (c) The principal objects pursuant to 137-J:5, IV.

IV. When the direction of an agent or instruction under a Living Will requires an act or omission contrary to the moral or ethical principles or other standards of a health care provider or residential care provider of which the principal is a patient or resident, the health care provider shall allow for the transfer of the principal and the appropriate medical records to another health care provider chosen by the principal or by the agent and shall incur no liability for its refusal to carry out the terms of the direction by the agent; provided, that, pending the completion of the transfer, the health care provider or residential care provider shall not deny health care treatment, nutrition, hydration, or life sustaining treatment which denial would with a reasonable degree of medical certainty result in or hasten the principal's death against the expressed will of the principal, the principal's advance directive, or the agent; and further provided, that, the health care provider or residential care provider shall inform the agent of its decision not to participate in such an act or omission.

137-J:8 Restrictions on Who May Act as Agent. A person may not exercise the authority of agent while serving in one of the following capacities:

- I. The principal's health care provider or residential care provider.

II. A nonrelative of the principal who is an employee of the principal's health care provider or residential care provider.

137-J:9 Confidentiality and Access to Protected Health Information.

I. Health care providers, residential care providers, and persons acting for such providers or under their control, shall be authorized to;

(a) Communicate to an agent any medical information about the principal, if the principal lacks the capacity to make health care decisions, necessary for the purpose of assisting the agent in making health care decisions on the principal's behalf.

(b) Provide copies of the principal's advance directives as necessary to facilitate treatment of the principal.

II. Subject to any limitations set forth in the advance directive by the principal, an agent whose authority is in effect shall be authorized, for the purpose of making health care decisions, to:

(a) Request, review, and receive any information, oral or written, regarding the principal's physical or mental health, including, but not limited to, medical and hospital records.

(b) Execute any releases or other documents which may be required in order to obtain such medical information.

(c) Consent to the disclosure of such medical information.

137-J:10 Withholding or Withdrawal of Life-Sustaining Treatment.

I. In the event a health care decision to withhold or withdraw life-sustaining treatment, including medically administered nutrition and hydration, is to be made by an agent, and the principal has not executed the "Living Will" of the advance directive, the following additional conditions shall apply:

(a) The principal's attending physician or ARNP shall certify in writing that the principal lacks the capacity to make health care decisions.

(b) Two physicians or a physician and an ARNP shall certify in writing that the principal is near death or is permanently unconscious.

(c) Notwithstanding the capacity of an agent to act, the agent shall make a good faith effort to explore all avenues reasonably available to discern the desires of the principal including, but not limited to, the principal's advance directive, the principal's written or spoken expressions of wishes, and the principal's known religious or moral beliefs.

(d) Notwithstanding paragraph I, medically administered nutrition and hydration and life sustaining treatment shall not be withdrawn or withheld under an advance directive unless there is a clear expression of such power in the directive.

II. The withholding or withdrawal of life-sustaining treatment pursuant to the provisions of this chapter shall at no time be construed as a suicide or murder for any legal purpose. Nothing in this chapter shall be construed to constitute, condone, authorize, or approve suicide, assisted suicide, mercy killing, or euthanasia, or permit any affirmative or deliberate act or omission to end one's own life or to end the life of another other than either to permit the natural process of dying of a patient near death or the removal of life-sustaining treatment from a patient in a permanently unconscious condition as provided in this chapter. The withholding or withdrawal of life-sustaining treatment in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the principal's condition.

III. Nothing in this chapter shall be construed to condone, authorize, or approve:

(a) The consent to withhold or withdraw life-sustaining treatment from a pregnant principal, unless, to a reasonable degree of medical certainty, as certified on the principal's medical record by the attending physician or ARNP and an obstetrician who has examined the principal, such treatment or procedures will not maintain the principal in such a way as to permit the continuing development and live birth of the fetus or will be physically harmful to the principal or prolong severe pain which cannot be alleviated by medication.

(b) The withholding or withdrawing of life-sustaining treatment from mentally incompetent or developmentally disabled persons.

IV. Nothing in this chapter shall impair or supersede any other legal right or responsibility which any person may have to effect life-sustaining treatment in any lawful manner; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or IV.

V. Nothing in this chapter shall be construed to revoke or adversely affect the privileges or immunities of health care providers or residential care providers and others to provide treatment to persons in need thereof in an emergency, as provided for under New Hampshire law.

VI. Nothing in this chapter shall be construed to create a presumption that in the absence of an advance directive, a person wants life-sustaining treatment to be either taken or withdrawn. This chapter shall also not be construed to supplant any existing rights and responsibilities under the law of this state governing the conduct of physicians or ARNPs in consultation with patients or their families or legal guardians in the absence of an advance directive.

137-J:11 Liability for Health Care Costs. Liability for the cost of health care provided pursuant to the agent's decision shall be the same as if the health care were provided pursuant to the principal's decision.

137-J:12 Immunity.

I. No person acting as agent pursuant to an advance directive shall be subjected to criminal or civil liability for making a health care decision on behalf of the principal in good faith pursuant to the provisions of this chapter and the terms of the advance directive if such person exercised such power in a manner consistent with the requirements of this chapter and New Hampshire law.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to civil or criminal liability or be deemed to have engaged in unprofessional conduct for:

(a) Any act or intentional failure to act, if the act or intentional failure to act is done pursuant to the dictates of an advance directive, the directives of the principal's agent, and the pro-

visions of this chapter, and said act or intentional failure to act is done in good faith and in keeping with reasonable medical standards pursuant to the advance directive and in accordance with this chapter; or

(b) Failure to follow the directive of an agent if the health care provider or residential care provider or other such person believes in good faith and in keeping with reasonable medical standards that such directive exceeds the scope of or conflicts with the authority of the agent under this chapter or the contents of the principal's advance directive; provided, that this subparagraph shall not be construed to authorize any violation of RSA 137-J:7, II or IV.

III. Nothing in this section shall be construed to establish immunity for the failure to exercise due care in the provision of services or for actions contrary to the requirements of this chapter or other laws of the state of New Hampshire.

IV. For purposes of this section, "good faith" means honesty in fact in the conduct of the transaction concerned.

137-J:13 Use of Statutory Forms.

I. Every person wishing to execute an advance directive shall be provided with a disclosure statement substantially in the form set forth in RSA 137-J:18 prior to execution. The principal shall be required to sign a statement acknowledging that he or she has received the disclosure statement and has read and understands its contents.

II. An advance directive executed on or after the effective date of this chapter shall be substantially in the form set forth in RSA 137-J:19.

III. Medically administered nutrition and hydration shall not be withdrawn or withheld under an advance directive unless there is a clear expression of such power in the document.

137-J:14 Execution and Witnesses.

I. The advance directive shall be signed by the principal in the presence of either of the following:

(a) Two or more subscribing witnesses, neither of whom shall, at the time of execution, be the agent, the principal's spouse or heir at law, or a person entitled to any part of the estate of the principal upon death of the principal under a will, trust, or other testamentary instrument or deed in existence or by operation of law, or attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP. No more than one such witness may be the principal's health or residential care provider or such provider's employee. The witnesses shall affirm that the principal appeared to be of sound mind and free from duress at the time the advance directive was signed and that the principal affirmed that he or she was aware of the nature of the document and signed it freely and voluntarily; or

(b) A notary public or justice of the peace, who shall acknowledge the principal's signature pursuant to the provisions of RSA 456 or RSA 456-A.

II. If the principal is physically unable to sign, the advance directive may be signed by the principal's name written by some other person in the principal's presence and at the principal's express direction.

137-J:15 Revocation.

I. An advance directive consistent with the provisions of this chapter shall be revoked:

(a) By written revocation delivered to the agent or to a health care provider or residential care provider expressing the principal's intent to revoke, signed, and dated by the principal; by oral revocation in the presence of 2 or more witnesses, none of whom shall be the principal's spouse or heir at law; or by any other act evidencing a specific intent to revoke the power, such as by burning, tearing, or obliterating the same or causing the same to be done by some other person at the principal's direction and in the principal's presence;

(b) By execution by the principal of a subsequent advance directive;

(c) By the filing of an action for divorce, legal separation, annulment or protective order, where both the agent and the principal are parties to such action, except when there is an alternate agent designated, in which case the designation of the primary agent shall be revoked and the alternate designation shall become effective. Re-execution or written re-affirmation of the advance directive following a filing of an action for divorce, legal separation, annulment or protective order shall make effective the original designation of the primary agent under the advance directive; or

(d) By a determination by a court under RSA 506:7 that the agent's authority has been revoked.

II. A principal's health or residential care provider who is informed of or provided with a revocation of an advance directive shall immediately record the revocation, and the time and date when he or she received the revocation, in the principal's medical record and notify the agent, the attending physi-

cian or ARNP, and staff responsible for the principal's care of the revocation. An agent who becomes aware of such revocation shall inform the principal's health or residential care provider of such revocation. Revocation shall become effective upon communication to the attending physician or ARNP.

137-J:16 Documents from Other States; Documents Executed Prior to Enactment. Nothing in this chapter limits the enforceability of a durable power of attorney for health care or living will or similar instrument validly executed under prior New Hampshire law or in another state or jurisdiction in compliance with the law of that state or jurisdiction. However, any exercise of power under such a previously valid or foreign advance directive or similar instrument shall be restricted by and in compliance with the requirements of this chapter and the laws of the state of New Hampshire.

137-J:17 Naming of Multiple Agents. If the principal lists more than one person as the agent in a durable power of attorney for health care directive, the agents shall have authority in priority of the order in which their names are listed on the document, unless the method of joint agency is expressly included.

137-J:18 Durable Power of Attorney; Disclosure Statement. The disclosure statement which must accompany a durable power of attorney for health care shall be in substantially the following form:

INFORMATION CONCERNING THE DURABLE POWER OF
ATTORNEY FOR HEALTH CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING IT, YOU SHOULD
KNOW THESE IMPORTANT FACTS:

Except if you say otherwise in the directive, this directive gives the person you name as your health care agent the power to make any and all health care decisions for you when you lack the capacity to make health care decisions for yourself (in other words, you no longer have the ability to understand and appreciate generally the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care). "Health care" means any treatment, service or procedure to maintain, diagnose or treat your physical or mental condition. Your health care agent, therefore, will have the power to make a wide range of health care decisions for you. Your health care agent may consent (in other words, give permission), refuse to consent, or withdraw consent to medical treatment, and may make decisions about withdrawing or withholding life-sustaining treatment. Your health care agent cannot consent to or direct any of the following: commitment to a state institution, sterilization, or termination of treatment if you are pregnant and if the withdrawal of that treatment is deemed likely to terminate the pregnancy, unless the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

You may state in this directive any treatment you do not want, or any treatment you want to be sure you receive. Your health care agent's power will begin when your doctor certifies that you lack the capacity to make health care decisions (in other words, that you are not able to make health care decisions). If for moral or religious reasons you do not want to be treated by a doctor or to be examined by a doctor to certify that you lack capacity, you must say so in the directive and you must name someone who can certify your lack of capacity. That person cannot be your health care agent or alternate health care agent or any person who is not eligible to be your health care agent. You may attach additional pages to the document if you need more space to complete your statement.

If you want to give your health care agent power to withhold or withdraw medically administered nutrition and hydration, you must say so in your directive. Otherwise, your health care agent will not be able to direct that. Under no conditions will your health care agent be able to direct the withholding of food and drink that you are able to eat and drink normally.

Your agent will be obligated to follow your instructions when making decisions on your behalf as guided by your medical condition or prognosis. Unless you state otherwise in the directive, your agent will have the same power to make decisions about your health care as you would have made, if those decisions by your health care agent are made consistent with state law.

It is important that you discuss this directive with your doctor or other health care providers before you sign it, to make sure that you understand the nature and range of decisions which could be made for you by your health care agent. If you do not have a health care provider, you should talk with someone else who is knowledgeable about these issues and can answer your questions. Check with your community hospital or hospice for trained staff. You do not need a lawyer's assistance to complete this directive, but if there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

The person you choose as your health care agent should be someone you know and trust, and he or she must be at least 18 years old. If you choose your health or residential care provider (such as your doctor, advanced registered nurse practitioner, or an employee of a hospital, nursing home, home health agency, or residential care home, other than a relative), that person will have to choose between acting as your health care agent or as your health or residential care provider, because the law does not allow a person to do both at the same time.

You should consider choosing an alternate health care agent, in case your health care agent is unwilling, unable, unavailable or not eligible to act as your health care agent. Any alternate health care agent you choose will then have the same authority to make health care decisions for you.

You should tell the person you choose that you want him or her to be your health care agent. You should talk about this directive with your health care agent and your doctor or advanced registered nurse practitioner and give each one a signed copy. You should write on the directive itself the people and institutions who will have signed copies. Your health care agent will not be liable for health care decisions made in good faith on your behalf.

EVEN AFTER YOU HAVE SIGNED THIS DIRECTIVE, YOU HAVE THE RIGHT TO MAKE HEALTH CARE DECISIONS FOR YOURSELF AS LONG AS YOU ARE ABLE TO DO SO, AND TREATMENT CANNOT BE GIVEN TO YOU OR STOPPED OVER YOUR CLEAR OBJECTION. You have the right to revoke the power given to your health care agent by telling him or her, or by telling your health care provider, orally or in writing, that you no longer want that person to be your health care agent.

Once this directive is executed it cannot be changed or modified. If you want to make changes, you must make an entirely new directive.

This power of attorney will not be valid unless it is signed in the presence of a notary public or justice of the peace or two (2) or more qualified witnesses, who must both be present when you sign and who will acknowledge your signature on the document. the following persons may not act as witnesses:

_____ The person you have designated as your health care agent;

_____ Your spouse or heir at law;

_____ Your attending physician or ARNP, or person acting under the direction or control of the attending physician or ARNP;

ONLY ONE OF THE TWO WITNESSES MAY BE YOUR HEALTH OR RESIDENTIAL CARE PROVIDER OR ONE OF YOUR PROVIDER'S EMPLOYEES.

137-J:19 Advance Directive; Durable Power of Attorney and Living Will; Form. An advance directive in its individual "Durable Power of Attorney for Healthcare" and "Living Will" components shall be in substantially the following form:

NEW HAMPSHIRE ADVANCE DIRECTIVE

NOTE: This form has two sections.

You may complete both sections, or only one section.

I. DURABLE POWER OF ATTORNEY FOR HEALTH CARE

I, _____, hereby appoint _____ of _____

_____. *(Please choose only one person. If you choose more than one agent, they will have authority in priority of the order their names are listed, unless you indicate another form of decision making.)* as my agent to make any and all health care decisions for me, except to the extent I state otherwise in this directive or as prohibited by law. This durable power of attorney for health care shall take effect in the event I lack the capacity to make my own health care decisions.

In the event the person I appoint above is unable, unwilling or unavailable, or ineligible to act as my health care agent, I hereby appoint _____ of _____ as alternate agent. *(Please choose only one person. If you choose more than one alternate agent, they will have authority in priority of the order their names are listed.)*

**STATEMENT OF DESIRES, SPECIAL PROVISIONS,
AND LIMITATIONS REGARDING HEALTH CARE DECISIONS.**

For your convenience in expressing your wishes, some general statements concerning the withholding or removal of life-sustaining treatment are set forth below. (Life-sustaining treatment is defined as procedures without which a person would die, such as but not limited to the following: mechanical respiration, kidney dialysis or the use of other external mechanical and technological devices, drugs to maintain blood pressure, blood transfusions, and antibiotics.) There is also a section which allows you to set forth specific directions for these or other matters. If you wish, you may indicate your agreement or disagreement with any of the following statements and give your agent power to act in those specific circumstances.

A. LIFE-SUSTAINING TREATMENT.

1. If I am near death and lack the capacity to make health care decisions, I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

_____ (a) life-sustaining treatment not be started, or if started, be discontinued.

-or-

_____ (b) life-sustaining treatment continue to be given to me.

2. Whether near death or not, if I become permanently unconscious I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

_____ (a) life-sustaining treatment not be started, or if started, be discontinued.

-or-

_____ (b) life-sustaining treatment continue to be given to me.

B. MEDICALLY ADMINISTERED NUTRITION AND HYDRATION.

1. I realize that situations could arise in which the only way to allow me to die would be to not start or to discontinue medically administered nutrition and hydration. In carrying out any instructions I have given in this document, I authorize my agent to direct that:

(Initial beside your choice of (a) or (b).)

_____ (a) medically administered nutrition and hydration not be started or, if started, be discontinued.

-or-

_____ (b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

(If you fail to complete item B, your agent will not have the power to direct the withholding or withdrawal of medically administered nutrition and hydration.)

C. ADDITIONAL INSTRUCTIONS.

Here you may include any specific desires or limitations you deem appropriate, such as when or what life-sustaining treatment you would want used or withheld, or instructions about refusing any specific types of treatment that are inconsistent with your religious beliefs or are unacceptable to you for any other reason. You may leave this question blank if you desire.

(attach additional pages as necessary)

I hereby acknowledge that I have been provided with a disclosure statement explaining the effect of this directive. I have read and understand the information contained in the disclosure statement.

The original of this directive will be kept at _____ and the following persons and institutions will have signed copies:

Signed this _____ day of _____, 2 _____

Principal's Signature: _____

[If you are physically unable to sign, this directive may be signed by someone else writing your name, in your presence and at your express direction.]

THIS POWER OF ATTORNEY DIRECTIVE MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC OR A JUSTICE OF THE PEACE.

We declare that the principal appears to be of sound mind and free from duress at the time the durable power of attorney for health care is signed and that the principal affirms that he or she is aware of the nature of the directive and is signing it freely and voluntarily.

Witness: _____ Address: _____

Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing durable power of attorney for health care was acknowledged before me this _____ day of _____, 20 _____, by _____ ("the Principal").

Notary Public / Justice of the Peace

My commission expires:

II. LIVING WILL

Declaration made this _____ day of _____, 20 ____.

I, _____, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness and I am certified to be near death or in a permanently unconscious condition by my attending physician or ARNP, and my attending physician or ARNP has determined that my death is imminent whether or not lifesustaining treatment is utilized and where the application of life-sustaining treatment would serve only to artificially prolong the dying process, or that I will remain in a permanently unconscious condition, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication, the natural ingestion of food or fluids by eating and drinking, or the performance of any medical procedure deemed necessary to provide me with comfort care. I realize that situations could arise in which the only way to allow me to die would be to discontinue medically administered nutrition and hydration.

In carrying out any instruction I have given under this section, I authorize that:

(Initial beside your choice of (a) or (b).)

_____ (a) medically administered nutrition and hydration not be started or, if started, be discontinued,
-or-

_____ (b) even if all other forms of life-sustaining treatment have been withdrawn, medically administered nutrition and hydration continue to be given to me.

In the absence of my ability to give directions regarding the use of such life-sustaining treatment, it is my intention that this declaration shall be honored by my family and health care providers as the final expression of my right to refuse medical or surgical treatment and accept the consequences of such refusal.

I understand the full import of this declaration, and I am emotionally and mentally competent to make this declaration.

Signed this _____ day of _____, 2____

Principal's Signature: _____

[If you are physically unable to sign, this directive may be signed by someone else writing your name, in your presence and at your express direction.]

THIS LIVING WILL DIRECTIVE MUST BE SIGNED BY TWO WITNESSES OR A NOTARY PUBLIC OR A JUSTICE OF THE PEACE.

We declare that the principal appears to be of sound mind and free from duress at the time the living will is signed and that the principal affirms that he or she is aware of the nature of the directive and is signing it freely and voluntarily.

Witness: _____ Address: _____

Witness: _____ Address: _____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing living will was acknowledged before me this _____ day of _____, 20 ____, by _____ (the "Principal").

Notary Public / Justice of the Peace

My commission expires:

137-J:20 Effect of Appointment of Guardian; Inconsistency.

I. On motion filed in connection with a petition for appointment of a guardian or on petition of a guardian if one has been appointed, the probate court shall consider whether the authority of an agent designated pursuant to an advance directive should be suspended or revoked. In making its determination, the probate court shall take into consideration the preferences of the principal as expressed in the advance directive. No such consideration shall change the procedures or burden of proof involved in the guardianship process as otherwise provided by law or procedures. In such consideration, the advance directive and agent appointed shall be presumed to be in the best interest of the principal and valid, absent clear and convincing evidence to the contrary.

II. To the extent that a durable power of attorney for health care, or such component of an advance directive as set forth in RSA 137-J:19, conflicts with a terminal care document or living will, or such component of an advance directive as set forth in RSA 137-J:19, the durable power of attorney for health care shall control.

137-J:21 Civil Action.

I. The principal or any person who is a near relative of the principal, or who is a responsible adult who is directly interested in the principal by personal knowledge and acquaintance, including, but not limited to a guardian, social worker, physician, or clergy, may file an action in the probate court of the county where the principal is located at the time:

(a) Requesting that the authority granted to an agent by an advance directive be revoked on the grounds that the principal was not of sound mind or was under duress, fraud, or undue influence when the advance directive was executed, and shall have all the rights and remedies provided by RSA 506:7 which shall apply to directives executed under this chapter and persons acting pursuant to this chapter.

(b) Challenging the right of any agent who is acting or who proposes to act as such pursuant to this chapter and naming another person, who agrees to so act, to be appointed guardian over the person of the principal for the sole purpose of making health care decisions, as provided for in RSA 464-A.

II. A copy of any such action shall be given in hand to the principal's attending physician or ARNP and, as applicable, to the principal's health care provider or residential care provider. To the extent they are not irreversibly implemented, health care decisions made by a challenged agent shall not thereafter be implemented without an order of the probate court or a withdrawal or dismissal of the court action; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or IV.

III. The probate court in which such a petition is filed shall hold a hearing as expeditiously as possible.

137-J:22 Penalty. A person who knowingly and falsely makes, alters, forges, or counterfeits, or knowingly and falsely causes to be made, altered, forged, or counterfeited, or procures, aids or counsels the making, altering, forging, or counterfeiting, of an advance directive or revocation of same with the intent to injure or defraud a person shall be guilty of a class B felony, notwithstanding any provisions in title LXII.

Do Not Resuscitate

137-J:23 Applicability. The provisions of this subdivision apply to all persons regardless of whether or not they have completed an advance directive.

137-J:24 Presumed Consent to Cardiopulmonary Resuscitation; Health Care Providers and Residential Care Providers Not Required to Expand to Provide Cardiopulmonary Resuscitation.

I. Every person shall be presumed to consent to the administration of cardiopulmonary resuscitation in the event of cardiac or respiratory arrest, unless one or more of the following conditions, of which the health care provider or residential care provider has actual knowledge, apply:

(a) A do not resuscitate order in accordance with the provisions of this chapter has been issued for that person;

(b) A completed advance directive for that person is in effect, pursuant to the provisions of this chapter, in which the person indicated that he or she does not wish to receive cardiopulmonary resuscitation, or his or her agent has determined that the person would not wish to receive cardiopulmonary resuscitation; or

(c) A person is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof.

II. Nothing in this section shall be construed to revoke any statute, regulation, or law otherwise requiring or exempting a health care provider or residential care provider from instituting or maintaining the ability to provide cardiopulmonary resuscitation or expanding its existing equipment, facilities, or personnel to provide cardiopulmonary resuscitation.

137-J:25 Issuance of a Do Not Resuscitate Order; Order to be Written by the Attending Physician or ARNP.

I. An attending physician or ARNP may issue a do not resuscitate order for a person if the person, or the person's agent, has consented to the order. A do not resuscitate order shall be issued in writing in the form as described in this section for a person not present or residing in a health care facility. For persons present in health care facilities, a do not resuscitate order shall be issued in accordance with the policies and procedures of the health care facility and in accordance with the provisions of this chapter.

II. A person may request that his or her attending physician or ARNP issue a do not resuscitate order for the person.

III. An agent may consent to a do not resuscitate order for a person who lacks the capacity to make health care decisions if the advance directive signed by the principal grants such authority. A do not resuscitate order written by the attending physician or ARNP for such a person with the consent of the agent is valid and shall be respected by health care providers and residential care providers.

IV. For persons not present or residing in a health care facility, the do not resuscitate order shall be noted on a medical orders form or in substantially the following form on a card suitable for carrying on the person:

Do Not Resuscitate Order

As attending physician or ARNP of _____ and as a licensed physician or advanced registered nurse practitioner, I order that this person **SHALL NOT BE RESUSCITATED** in the event of cardiac or respiratory arrest.

This order has been discussed with _____ (or, if applicable, with his/her agent,) _____, who has given consent as evidenced by his/her signature below.

Attending physician or ARNP Name _____

Attending physician or ARNP Signature _____

Address _____

Person Signature _____

Address _____

Agent Signature (if applicable) _____

Address _____

V. For persons residing in a health care facility, the do not resuscitate order shall be reflected in at least one of the following forms:

(a) Forms required by the policies and procedures of the health care facility in compliance with this chapter;

(b) The do not resuscitate card as set forth in paragraph V; or

(c) The medical orders form in compliance with this chapter.

137-J:26 Compliance with a Do Not Resuscitate Order.

I. Health care providers and residential care providers shall comply with the do not resuscitate order when presented with one of the following:

(a) A do not resuscitate order completed by the attending physician or ARNP on a form as specified in RSA 137-J:25;

(b) A do not resuscitate order for a person present or residing in a health care facility issued in accordance with the health care facility's policies and procedures in compliance with the chapter; or

(c) A medical orders form on which the attending physician or ARNP has documented a do not resuscitate order in compliance with this chapter.

II. Pursuant to this chapter, health care providers shall respect do not resuscitate orders for persons in health care facilities, ambulances, homes, and communities within this state.

137-J:27 Protection of Persons Carrying Out in Good Faith a Do Not Resuscitate Order; Notification of Agent by Attending Physician or ARNP Refusing to Comply with Do Not Resuscitate Order.

I. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, shall be subjected to criminal or civil liability, or be deemed to have engaged in unprofessional conduct, for carrying out in good faith a do not resuscitate order authorized by this chapter on behalf of a person as instructed by the person, or the person's agent, or for those actions taken in compliance with the standards and procedures set forth in this chapter.

II. No health care provider or residential care provider, or any other person acting for the provider or under the provider's control, or other individual who witnesses a cardiac or respiratory arrest shall be subjected to criminal or civil liability for providing cardiopulmonary resuscitation to a person for whom a do not resuscitate order has been issued; provided, that such provider or individual:

(a) Reasonably and in good faith is unaware of the issuance of a do not resuscitate order; or

(b) Reasonably and in good faith believed that consent to the do not resuscitate order has been revoked or canceled.

III. Any attending physician or ARNP who refuses to issue a do not resuscitate order at a person's request or to comply with a do not resuscitate order issued pursuant to this chapter shall take reason-

able steps to advise promptly the person or agent of the person that such attending physician or ARNP is unwilling to effectuate the order. The attending physician or ARNP shall thereafter at the election of the person or agent permit the person or agent to obtain another attending physician or ARNP. However, if a physician or ARNP, because of his or her personal beliefs or conscience, is unable to comply with the terms of the order, he or she shall immediately inform the patient, the patient's family, or the patient's agent. The qualified patient may, or the family of the qualified patient shall, or the patient's agent shall, then request that the case be referred to another physician.

137-J:28 Revocation of Do Not Resuscitate Order.

I. At any time a person in a health care facility may revoke his or her previous request for or consent to a do not resuscitate order by making either a written, oral, or other act of communication to the attending physician or ARNP or other professional staff of the health care facility.

II. At any time a person residing at home may revoke his or her do not resuscitate order by destroying such order and removing do not resuscitate identification on his or her person. The person is responsible for notifying his or her attending physician or ARNP of the revocation.

III. At any time an agent may revoke his or her consent to a do not resuscitate order for a person who lacks capacity to make health care decisions who is admitted to a health care facility by notifying the attending physician or ARNP or other professional staff of the health care facility of the revocation of consent in writing, or by orally notifying the attending physician or ARNP in the presence of a witness 18 years of age or older.

IV. At any time an agent may revoke his or her consent for a person who lacks capacity to make health care decisions who is residing at home by destroying such order and removing do not resuscitate identification from the person. The agent is responsible for notifying the person's attending physician or ARNP of the revocation.

V. The attending physician or ARNP who is informed of or provided with a revocation of consent pursuant to this section shall immediately cancel the do not resuscitate order if the person is in a health care facility and notify the professional staff of the health care facility responsible for the person's care of the revocation and cancellation. Any professional staff of the health care facility who is informed of or provided with a revocation of consent pursuant to this section shall immediately notify the attending physician or ARNP of such revocation.

VI. Only a physician or advanced registered nurse practitioner may cancel the issuance of a do not resuscitate order.

137-J:29 Not Suicide or Murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter shall not, for any purpose, constitute suicide or murder. The withholding of cardiopulmonary resuscitation from a person in accordance with the provisions of this chapter, however, shall not relieve any individual of responsibility for any criminal acts that may have caused the person's condition. Nothing in this chapter shall be construed to legalize, condone, authorize, or approve mercy killing or assisted suicide.

137-J:30 Interinstitutional Transfers. If a person with a do not resuscitate order is transferred from one health care facility to another health care facility, the health care facility initiating the transfer shall communicate the existence of a do not resuscitate order to the receiving facility prior to the transfer. The written do not resuscitate order, the do not resuscitate card as described in RSA 137-J:25, or the medical orders form shall accompany the person to the health care facility receiving the person and shall remain effective until a physician at the receiving facility issues admission orders. The do not resuscitate card or the medical orders form shall be kept as the first page in the person's transfer records.

137-J:31 Preservation of Existing Rights.

I. Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have to effect the withholding of cardiopulmonary resuscitation in any lawful manner. In such respect, the provisions of this chapter are cumulative; provided, that this paragraph shall not be construed to authorize any violation of RSA 137-J:7, II or IV.

II. Nothing in this chapter shall be construed to preclude a court of competent jurisdiction from approving the issuance of a do not resuscitate order under circumstances other than those under which such an order may be issued pursuant to the provisions of this chapter.

137-J:32 Do Not Resuscitate Identification. Do not resuscitate identification as set forth in this chapter may consist of either a medical condition bracelet or necklace with the inscription of the person's name, date of birth in numerical form and "NH Do Not Resuscitate" or "NH DNR" on it.

Such identification shall be issued only upon presentation of a properly executed do not resuscitate order form as set forth in RSA 137J:25, a medical orders form in which a physician or advanced registered nurse practitioner has documented a do not resuscitate order, or a do not resuscitate order properly executed in accordance with a health care facility's written policy and procedure.

3 Emergency Care; Reference Change. Amend RSA 153-A:20, II to read as follows:

II. Protocols recommended by the emergency medical services medical control board for provision of emergency medical care, which shall provide for the provision of local options under medical control. The protocols shall address living wills established under RSA ~~[137-H]~~ 137-J, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation.

4 Guardians; Reference Change. Amend RSA 464-A:25, I(d) to read as follows:

(d) If a ward has previously executed a valid living will, under RSA ~~[137-H]~~ 137-J, a guardian shall be bound by the terms of such document, provided that the court may hold a hearing to interpret any ambiguity in such document. If a ward has previously executed a valid durable power of attorney for health care, RSA 137-J shall apply.

5 Jurisdiction; Reference Change. Amend RSA 547:3, (j) to read as follows:

(j) The interpretation and effect of living wills under RSA ~~[137-H]~~ 137-J.

6 Effective Date. This act shall take effect January 1, 2007.

Rep. Nancy Elliott spoke against.

Rep. Itse spoke in favor.

Rep. Mooney spoke in favor and yielded to questions.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 247 NAYS 92

YEAS 247

BELKNAP

Allen, Janet
Flanders, Donald
Pilliod, James

Boyce, Laurie
Millham, Alida
Russell, David

Clark, Charles
Morrison, Gail
Veazey, John

Fitzgerald, James
Neddeau, Stephen
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Chandler, Gene
Olimpio, J Lisbeth

Babson, David Jr
Dickinson, Howard
Patten, Betsey

Brown, Carolyn
Knox, J David
Philbrick, Donald

Buco, Thomas
Martin, James
Stevens, Stanley

CHESHIRE

Allen, Peter
Dexter, Judson
Espieffs, Peter
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr
Tilton, Anna

Butynski, William
Eaton, Daniel
Hogancamp, Deborah
Pratt, John
Weed, Charles

Chase, William
Emerson, Susan
Hunt, John
Richardson, Barbara

COOS

Buzzell, Bernard
Merrick, Scott
Tholl, John Jr

King, Frederick
Remick, William

Lary, Bruce
Stohl, Eric

Mears, Edgar
Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Sorg, Gregory

Benn, Bernard
Hammond, Lee
Nordgren, Sharon
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Boehm, Ralph
Christensen, D L Chris
Craig, James

Allan, Nelson
Brassard, Paul
Clemons, Jane
Daniuk, Caitlin

Baroody, Benjamin
Carter, Mark
Cote, David
DeVries, Betsy

Beaulieu, Jane
Chase, Claudia
Cote, Peter
Dokmo, Cynthia

Drisko, Richard
Gargas, Carolyn
Gonzalez, Carlos
Hall, Betty
Holden, Randolph
Kurk, Neal
Mead, Robert
Movsesian, Lori
Palangas, Eric
Rochette, Eric
Ryder, Donald
Stocum, Lee
Vaillancourt, Steve

Egbers, Fran
Ginsburg, Ruth
Gorman, Mary
Harvey, Suzanne
Jean, Claudette
Lasky, Bette
Messier, Irene
O'Brien, William
Pappas, Christopher
Rosenwald, Cindy
Shattuck, Gilman
Smith, David
Velez, Hector

Essex, David
Golding, William
Graham, John
Hawkins, Ken
Judy, Jean
Martin, Mary Ellen
Michon, Stephen
O'Connell, Timothy
Pilotte, Maurice
Ross, Lawrence
Shaw, Barbara
Sullivan, Francis
Wheeler, James

Foster, Linda
Goley, Jeffrey
Haley, Robert
Hebert, Raymond
Kopka, Angeline
McRae, Karen
Mooney, Maureen
Ober, Lynne
Price, Pamela
Rowe, Robert
Shaw, Kimberly
Sullivan, Peter

MERRIMACK

Anderson, Eric
Clarke, Claire
Field, William
Hager, Elizabeth
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Blanchard, Elizabeth
Danforth, James
French, Barbara
Kidder, David
Maxfield, Roy
Potter, Frances
Ryan, Jim
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
Gile, Mary
Klose, John
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Williams, Robert

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
Oliver, James
Reed, Dennis
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Fesh, Bob
Gould, Kenneth
Johnson, Robert
Major, Norman
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Weare, E. Albert
Winchell, George

Allen, Mary
Buxton, Donald
Charron, Gene
DiFruscia, Anthony
Flanders, John Sr
Griffin, Mary
Katsakiores, George
Moody, Marcia
Pantelakos, Laura
Rausch, James
Scamman, Stella
Welch, David

Belanger, Ronald
Cali-Pitts, Jacqueline
Coburn, James
Dowd, John
Flockhart, Eileen
Hughes, Daniel
Katsakiores, Phyllis
Norelli, Terie
Powers, James
Robinson, John
Splaine, James
Weyler, Kenneth

Bishop, Franklin
Camm, Kevin
Cooney, Richard
Doyle, Christopher
Gilbert, Karl
Itse, Daniel
Langley, Jane
O'Neil, Michael
Priestley, Anne
Rolston, James
Stiles, Nancy
Wiley, Robert

STRAFFORD

Brown, Jennifer
Chaplin, Duncan
Dunlap, Patricia
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Julie
Cilley, Jacalyn
Goodwin, Earle
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Lawrence
Creteau, Irene
Hofemann, Roland
Rollo, Michael
Snyder, Clair
Wall, Janet

Campbell, W. Packy
Domingo, Baldwin
Johnson, Nancy
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Irish, Christopher

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Prichard, Stephen

NAYS 92

BELKNAP

Heald, Bruce
Tobin, William

Rosen, Ralph
Whalley, Michael

Thomas, John

Tilton, Franklin

CARROLL

McConkey, Mark

Morrow, Harry

CHESHIRE

Parkhurst, Henry	Pelkey, Stephen	Roberts, Kris	Sawyer, Sheldon
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COOS

Morneau, Renney	Richardson, Herbert
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GRAFTON

Gionet, Edmond	Giuda, Robert	Ingbretson, Paul	Mirski, Paul
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Brundige, Robert	Calawa, Leon Jr	Carew, James
Christiansen, Lars	Coughlin, Pamela	Desmarais, Vivian	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Gibson, John	Goyette, Peter Jr
Hagan, Barbara	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	L'Heureux, Robert	Lawrence, James
Manney, Pamela	Matarazzo, Anthony Sr	Reeves, Sandra	Renzullo, Andrew
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, Robert		

MERRIMACK

Currier, David	Hess, David	Kennedy, Richard	Langlais, Thomas
Marple, Richard	Soltani, Tony		

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Carson, Sharon
Dumaine, Dudley	Forsing, Robert	Francoeur, Sheila	Garrity, James
Hopfgarten, Paul	Hutchinson, Karen	Ingram, Russell	Kobel, Rudolph
Lund, Howie	Mason, April	McKinney, Betsy	Moore, Benjamin
Nowe, Ronald	Palazzo, Frank	Parker, Benjamin	Quandt, Marshall Lee
Robertson, Carl	Waterhouse, Kevin	Weldy, Norman	

STRAFFORD

Albert, Russell	Berube, Roger	Callaghan, Frank	Cataldo, Sam
Easson, Timothy	Heon, Richard	Newton, Clifford	

SULLIVAN

Donovan, Thomas	Osgood, Philip Sr	Rodeschin, Beverly
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and floor amendment (0898h) was adopted.

Rep. Stone did not vote and notified the Clerk that he wished to be recorded in favor.

Rep. Itse offered floor amendment (0941h).

Floor Amendment (0941h)

Amend RSA 137-J:7, III as inserted by section 2 of the bill by replacing it with the following:

III. Medically administered nutrition and hydration and life sustaining treatment shall not be withdrawn or withheld under this chapter unless:

(a) There is a clear expression of such intent in the directive; or

(b) The principal objects pursuant to RSA 137-J:5, IV.

Reps. Itse, Mirski and Rowe spoke in favor.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 286 NAYS 57**YEAS 286****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher
Chandler, Gene
McConkey, Mark
Philbrick, Donald

Babson, David Jr
Dickinson, Howard
Morrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

CHESHIRE

Butcher, Suzanne
Emerson, Susan
Mitchell, Bonnie
Sawyer, Sheldon

Butynski, William
Foote, Sheila
Parkhurst, Henry
Tilton, Anna

Dexter, Judson
Hogancamp, Deborah
Pelkey, Stephen

Dunn, J Timothy
Hunt, John
Roberts, Kris

COOS

Buzzell, Bernard
Remick, William

Lary, Bruce
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Tholl, John Jr

GRAFTON

Aguir, James
Cooney, Mary
Ingbretson, Paul
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mirski, Paul
Sorg, Gregory

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine
Ward, John

Bleyler, Ruth
Giuda, Robert
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Boehm, Ralph
Carter, Mark
Coughlin, Pamela
Drisko, Richard
Emerton, Larry
Gargas, Carolyn
Goyette, Peter Jr
Hall, Betty
Hebert, Raymond
Infantine, William
L'Heureux, Robert
Matarazzo, Anthony Sr
Michon, Stephen
Ober, Lynne
Renzullo, Andrew
Rowe, Robert
Shaw, Kimberly
Sullivan, Peter
Villeneuve, Maurice

Adams, Jarvis IV
Beaulieu, Jane
Brundige, Robert
Chase, Claudia
Crane, Elenore Casey
Dyer, Donald
Essex, David
Gibson, John
Graham, John
Hansen, Ryan
Hellwig, Steve
Jasper, Shawn
Lawrence, James
McRae, Karen
Mooney, Maureen
Pilotte, Maurice
Rochette, Eric
Ryder, Donald
Slocum, Lee
Tahir, Saghir
Wheeler, James

Allan, Nelson
Bergeron, Jean-Guy
Calawa, Leon Jr
Christensen, D L Chris
Desmarais, Vivian
Egbers, Fran
Foster, Linda
Golding, William
Hagan, Barbara
Harvey, Suzanne
Hinkle, Peyton
Jean, Claudette
Manney, Pamela
Mead, Robert
O'Brien, William
Price, Pamela
Rosenwald, Cindy
Shattuck, Gilman
Souza, Kathleen
Ulery, Jordan
Wheeler, Robert

Balboni, Michael
Biundo, Michael
Carew, James
Christiansen, Lars
Dokmo, Cynthia
Elliott, Nancy
Francoeur, Bea
Gonzalez, Carlos
Haley, Robert
Hawkins, Ken
Hirschmann, Keith
Kurk, Neal
Martin, Mary Ellen
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Ross, Lawrence
Shaw, Barbara
Stepanek, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
Field, William
Hess, David
Langlais, Thomas
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Williams, Robert

Blanchard, Elizabeth
Currier, David
Gile, Mary
Kennedy, Richard
Lockwood, Priscilla
McMahon, Patricia
Reed, Dennis
Soltani, Tony
Yeaton, Charles

Bouchard, Candace
Danforth, James
Greco, Vincent
Kidder, David
MacKay, James
Oliver, James
Rush, Deanna
Tilton, Joy

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
Klose, John
Marple, Richard
Osborne, Jessie
Ryan, Jim
Tupper, Frank

ROCKINGHAM

Allen, Mary
Bishop, Franklin

Belanger, Ronald
Bridle, Russell

Bettencourt, David
Buxton, Donald

Bicknell, Elbert
Cady, Harriet

Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowd, John	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	Moody, Marcia	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robinson, John	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Weyler, Kenneth	Wiley, Robert	Winchell, George

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Jennifer	Brown, Lawrence
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy	Goodwin, Earle
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Knowles, William
Miller, Joseph	Newton, Clifford	Rous, Emma	Schmidt, Peter
Snyder, Clair	Spang, Judith		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James			

**NAYS 57
BELKNAP**

None

CARROLL

None

CHESHIRE

Allen, Peter	Chase, William	Eaton, Daniel	Espiefs, Peter
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Weed, Charles			

COOS

Mears, Edgar

GRAFTON

Almy, Susan	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Sokol, Hilda			

HILLSBOROUGH

Baroody, Benjamin	Brassard, Paul	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Holden, Randolph
Judy, Jean	Kopka, Angeline	Lasky, Bette	Movsesian, Lori
Palangas, Eric	Pappas, Christopher	Smith, David	Sullivan, Francis
Vaillancourt, Steve			

MERRIMACK

DeJoie, John	French, Barbara	Potter, Frances	Walz, Mary Beth
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ROCKINGHAM

Abbott, Dennis	Casey, Kimberley	Norelli, Terie	Pantelakos, Laura
Powers, James	Robertson, Carl		

STRAFFORD

Brown, Julie	Callaghan, Frank	Cilley, Jacalyn	Rollo, Michael
Smith, Marjorie	Taylor, Katherine	Taylor, Kathleen	Wall, Janet

SULLIVAN

Houde-Quimby, Charlotte Prichard, Stephen Rodeschin, Beverly
 and floor amendment (0941h) was adopted.
 Rep. Balboni offered floor amendment (0355h).

Floor Amendment (0355h)

Amend RSA 137-J:10, VI as inserted by section 1 of the bill by replacing it with the following:

VI. In the absence of an advance directive, life-sustaining treatment shall be undertaken.

Rep. Balboni spoke in favor.

Rep. Dokmo spoke against.

Rep. Balboni requested a roll call; sufficiently seconded.

YEAS 85 NAYS 260**YEAS 85****BELKNAP**

Boyce, Laurie	Heald, Bruce	Tilton, Franklin	Tobin, William
Wendelboe, Fran			

CARROLL

Babson, David Jr	McConkey, Mark
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CHESHIRE

Butynski, William	Foote, Sheila	Roberts, Kris
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COOS

Morneau, Renney	Richardson, Herbert
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GRAFTON

Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ingretson, Paul	Mirski, Paul	Ward, John	

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Christiansen, Lars	Crane, Elenore Casey
Desmarais, Vivian	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara
Hansen, Ryan	Hellwig, Steve	Hirschmann, Keith	Jasper, Shawn
Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Souza, Kathleen	Stepanek, Stephen
Sullivan, Peter	Tahir, Saghir	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

DeStefano, Stephen	Field, William	Kennedy, Richard	Langlais, Thomas
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Bicknell, Elbert	Cali-Pitts, Jacqueline	Camm, Kevin
DiFruscia, Anthony	Doyle, Christopher	Dumaine, Dudley	Forsing, Robert
Garrity, James	Gilbert, Karl	Hopfgarten, Paul	Hutchinson, Karen
Itse, Daniel	Kobel, Rudolph	Lund, Howie	Mason, April
Nowe, Ronald	Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew
Waterhouse, Kevin	Weyler, Kenneth		

STRAFFORD

Bickford, David

Campbell, W Packy

Cataldo, Sam

Easson, Timothy

SULLIVAN

Donovan, Thomas

Osgood, Philip Sr

NAYS 260**BELKNAP**Allen, Janet
Millham, Alida
Rosen, RalphClark, Charles
Morrison, Gail
Russell, DavidFitzgerald, James
Nedeau, Stephen
Veazey, JohnFlanders, Donald
Pilliod, James
Whalley, Michael**CARROLL**Ahlgren, Christopher
Dickinson, Howard
Olimpio, J LisbethBrown, Carolyn
Knox, J David
Patten, BetseyBuco, Thomas
Martin, James
Philbrick, DonaldChandler, Gene
Merrow, Harry
Stevens, Stanley**CHESHIRE**Allen, Peter
Dunn, J Timothy
Hogancamp, Deborah
Pelkey, Stephen
Robertson, TimothyButcher, Suzanne
Eaton, Daniel
Hunt, John
Plifka, Stanley Jr
Sawyer, SheldonChase, William
Emerson, Susan
Mitchell, Bonnie
Pratt, John
Tilton, AnnaDexter, Judson
Espiefs, Peter
Parkhurst, Henry
Richardson, Barbara
Weed, Charles**COOS**Buzzell, Bernard
Remick, WilliamLary, Bruce
Stohl, EricMears, Edgar
Theberge, RobertMerrick, Scott
Tholl, John Jr**GRAFTON**Aguiar, James
Bleyler, Ruth
McLeod, Martha
Solomon, PeterAlmy, Susan
Cooney, Mary
Mulholland, Catherine
Sorg, GregoryAndersen, Gene
Hammond, Lee
Nordgren, Sharon
Williams, BurtonBenn, Bernard
Harding, A Laurie
Sokol, Hilda**HILLSBOROUGH**Aboshar, Jeffrey
Brassard, Paul
Carter, Mark
Cote, Peter
DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Graham, John
Hawkins, Ken
Infantine, William
Kurk, Neal
Mead, Robert
Movsesian, Lori
Palangas, Eric
Rochette, Eric
Scanlon, Michael
Slocum, Lee
Velez, HectorBaroody, Benjamin
Brundige, Robert
Chase, Claudia
Coughlin, Pamela
Dokmo, Cynthia
Essex, David
Golding, William
Haley, Robert
Hebert, Raymond
Jean, Claudette
L'Heureux, Robert
Messier, Irene
O'Brien, William
Pappas, Christopher
Rosenwald, Cindy
Shattuck, Gilman
Smith, David
Wheeler, RobertBeaulieu, Jane
Calawa, Leon Jr
Christensen, D L Chris
Craig, James
Drisko, Richard
Foster, Linda
Goley, Jeffrey
Hall, Betty
Hinkle, Peyton
Judy, Jean
Lasky, Bette
Michon, Stephen
O'Connell, Timothy
Pilotte, Maurice
Rowe, Robert
Shaw, Barbara
Sullivan, FrancisBoehm, Ralph
Carew, James
Cote, David
Daniuk, Caitlin
Egbers, Fran
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Holden, Randolph
Kopka, Angeline
McRae, Karen
Mooney, Maureen
Ober, Lynne
Price, Pamela
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve**MERRIMACK**Anderson, Eric
Clarke, ClaireBlanchard, Elizabeth
Currier, DavidBouchard, Candace
Danforth, JamesBrueggemann, Donald
DeJoie, John

French, Barbara
Hess, David
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Williams, Robert

Gile, Mary
Kidder, David
MacKay, James
Oliver, James
Reed, Dennis
Tilton, Joy
Yeaton, Charles

Greco, Vincent
Klose, John
Marple, Richard
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Casey, Kimberley
Dowd, John
Francoeur, Sheila
Ingram, Russell
Langley, Jane
Moore, Benjamin
Packard, Sherman
Priestley, Anne
Rolston, James
Stiles, Nancy
Weldy, Norman

Belanger, Ronald
Buxton, Donald
Coburn, James
Fesh, Bob
Gould, Kenneth
Johnson, Robert
Major, Norman
Morris, Richard
Palazzo, Frank
Rausch, James
Sanders, Elisabeth
Stone, Joseph
Wiley, Robert

Bettencourt, David
Cady, Harriet
Cooney, Richard
Flanders, John Sr
Griffin, Mary
Katsakiores, George
McKinney, Betsy
Norelli, Terie
Pantelakos, Laura
Robertson, Carl
Scamman, Stella
Weare, E Albert
Winchell, George

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Flockhart, Eileen
Hughes, Daniel
Katsakiores, Phyllis
Moody, Marcia
O'Neil, Michael
Powers, James
Robinson, John
Splaine, James
Welch, David

STRAFFORD

Albert, Russell
Brown, Lawrence
Creteau, Irene
Heon, Richard
Knowles, William
Rous, Emma
Spang, Judith

Berube, Roger
Callaghan, Frank
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Chaplin, Duncan
Dunlap, Patricia
Johnson, Nancy
Newton, Clifford
Smith, Marjorie
Taylor, Kathleen

Brown, Julie
Cilley, Jacalyn
Goodwin, Earle
Kaen, Naida
Rollo, Michael
Snyder, Clair
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Prichard, Stephen
and floor amendment (0355h) failed.

Converse, Larry
Irish, Christopher
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinzy, James

The question now being adoption of Ought to Pass as amended.
Reps. Souza, Hirschmann and Giuda spoke against.
Reps. Millham and Dokmo spoke in favor.
Rep. Harding spoke in favor and yielded to questions.
Reps. Hagan and Nancy Elliott spoke against and yielded to questions.
Rep. John Flanders moved the previous question.
Adopted.
Rep. Balboni requested a roll call; sufficiently seconded.

YEAS 231 NAYS 118

YEAS 231

BELKNAP

Allen, Janet
Millham, Alida
Veazey, John

Clark, Charles
Morrison, Gail

Fitzgerald, James
Pilliod, James

Flanders, Donald
Russell, David

CARROLL

Ahlgren, Christopher
Chandler, Gene
Patten, Betsey

Babson, David Jr
Dickinson, Howard
Stevens, Stanley

Brown, Carolyn
Knox, J David

Buco, Thomas
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Footo, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Ward, John
Williams, Burton			

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Carter, Mark
Chase, Claudia	Christensen, D L Chris	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Holden, Randolph	Jean, Claudette
Judy, Jean	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Martin, Mary Ellen	McRae, Karen	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Rochette, Eric
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Danforth, James	DeJoie, John	DeStefano, Stephen
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Kidder, David	Klose, John	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	McMahon, Patricia	Oliver, James
Osborne, Jessie	Potter, Frances	Reardon, Tara	Reed, Dennis
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowd, John	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Gould, Kenneth	Johnson, Robert	Katsakiores, George	Langley, Jane
Major, Norman	Moody, Marcia	Morris, Richard	Norelli, Terie
O'Neil, Michael	Pantelakos, Laura	Powers, James	Priestley, Anne
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Splaine, James	Stiles, Nancy
Stone, Joseph	Weare, E Albert	Wells, Roger	Weyler, Kenneth
Wiley, Robert	Winchell, George		

STRAFFORD

Bickford, David
Chaplin, Duncan
Dunlap, Patricia
Knowles, William
Schmidt, Peter
Taylor, Katherine

Brown, Jennifer
Cilley, Jacalyn
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Johnson, Nancy
Rollo, Michael
Snyder, Clair
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Irish, Christopher

Ferland, Brenda
Jillette, Arthur Jr

NAYS 118**BELKNAP**

Boyce, Laurie
Tilton, Franklin

Heald, Bruce
Tobin, William

Nedeau, Stephen
Wendelboe, Fran

Rosen, Ralph
Whalley, Michael

CARROLL

Martin, James

McConkey, Mark

Merrow, Harry

Philbrick, Donald

CHESHIRE

Butynski, William

Parkhurst, Henry

COOS

Morneau, Renney

Remick, William

Richardson, Herbert

GRAFTON

Dorsett, Andrew
Mirski, Paul

Eaton, Stephanie

Giuda, Robert

Ingbretson, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Bergeron, Jean-Guy
Christiansen, Lars
Dyer, Donald
Gibson, John
Haley, Robert
Hinkle, Peyton
L'Heureux, Robert
Mead, Robert
Renzullo, Andrew
Tahir, Saghir
Wheeler, Robert

Adams, Jarvis IV
Biundo, Michael
Coughlin, Pamela
Elliott, Nancy
Gonzalez, Carlos
Hansen, Ryan
Hirschmann, Keith
Lawrence, James
O'Brien, William
Slocum, Lee
Ulery, Jordan

Balboni, Michael
Buhlman, David
Crane, Elenore Casey
Emerton, Larry
Goyette, Peter Jr
Hebert, Raymond
Infantine, William
Manney, Pamela
Ober, Lynne
Souza, Kathleen
Villeneuve, Maurice

Batula, Peter
Carew, James
Desmarais, Vivian
Francoeur, Bea
Hagan, Barbara
Hellwig, Steve
Jasper, Shawn
Matarazzo, Anthony Sr
Reeves, Sandra
Stepanek, Stephen
Wheeler, James

MERRIMACK

Currier, David
Langlais, Thomas

Field, William
Marple, Richard

Hess, David
Soltani, Tony

Kennedy, Richard

ROCKINGHAM

Allen, Mary
Cady, Harriet
Dumaine, Dudley
Gilbert, Karl
Hutchinson, Karen
Kobel, Rudolph
Moore, Benjamin
Parker, Benjamin
Welch, David

Belanger, Ronald
Carson, Sharon
Forsing, Robert
Griffin, Mary
Ingram, Russell
Lund, Howie
Nowe, Ronald
Quandt, Marshall Lee
Weldy, Norman

Bettencourt, David
Dowling, Patricia
Francoeur, Sheila
Hopfgarten, Paul
Itse, Daniel
Mason, April
Packard, Sherman
Quandt, Matthew

Bicknell, Elbert
Doyle, Christopher
Garrity, James
Hughes, Daniel
Katsakiores, Phyllis
McKinney, Betsy
Palazzo, Frank
Waterhouse, Kevin

STRAFFORD

Albert, Russell
Cataldo, Sam

Berube, Roger
Easson, Timothy

Callaghan, Frank
Heon, Richard

Campbell, W Packy
Newton, Clifford

SULLIVAN

Osgood, Philip Sr Rodeschin, Beverly
and the motion was adopted.
Ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Ingbretson moved that the debate on HB 656 be printed in the Permanent Journal.
Motion failed.

The House recessed at 12:45 p.m.

RECESS**(Speaker Scamman in the Chair)**

The House reconvened at 1:35 p.m.

SPECIAL ORDERS –EARLY BILLS (CONT'D.)***HB 1238-FN*, relative to centralized voter registration database information. **OUGHT TO PASS WITH AMENDMENT.****

Rep. William L. O'Brien for Election Law: Based on the requirements of the Help America Vote Act (HAVA), the secretary of state's office has compiled a statewide voter database that will be periodically updated based on information provided by the local supervisors of the checklist. The enabling legislation passed by the General Court to permit this statewide voter database does not allow the secretary of state to disseminate this checklist to anyone, and this prohibition covers candidates, political parties, and the courts seeking information for jury lists. This bill, as amended, does allow the statewide voter database to be distributed, but subjects this distribution to restrictions that are intended to protect both the revenue traditionally received by town and cities from selling voter lists, and also voters. Thus, the cost to receive a statewide checklist will be at least \$400 based on the current number of voters and only local towns and cities can provide checklists of less than the full state. Also, anyone receiving the checklist from the secretary of state will be prohibited from using it for commercial purposes and distribution will be limited to candidates for elective office and political committees of political parties. Finally, this bill does not allow any information to be disclosed by the secretary of state that is not already available from local supervisors of the checklist, but it does specifically state that state and federal courts may obtain the checklist information. Vote 16-0.

Amendment (0548h)

Amend the bill by replacing section 1 with the following:

1 Availability of Checklist. Amend RSA 654:31 to read as follows:
654:31 Availability of Checklist.

I. In this section:

(a) *"Checklist information" means the data, in any form, required to be placed on the public checklist by RSA 654:25, when that data is obtained or derived from a checklist or from the statewide centralized voter registration database maintained by the secretary of state.*

(b) *"Commercial purposes" means knowingly using, selling, giving, or receiving the checklist information for the purpose of selling or offering for sale any property or service unrelated to an election or political campaign.*

(c) *"Nonpublic checklist" means the checklist bearing the names of voters who by law are entitled to have their status as a voter kept nonpublic.*

(d) *"Public checklist" means the checklist required by RSA 654:25 which contains the names of voters who by law are to be listed on a checklist available to the public in accordance with the restrictions established by this section.*

II. The public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used.

Any person may view the data that would be available on the public checklist on the statewide centralized voter registration database maintained by the secretary of state at the state records and archives center during normal business hours, but the person viewing data at the state records and archives center may not print, duplicate, transmit, or alter the data. The secretary of state or the supervisors of the checklist shall furnish one or more copies of the most recent public checklist to any [person] political committee of a political party as defined in RSA 664:2, V or any candidate who has filed for consideration for any office in any primary or general election or who has been nominated for any office in a general election requesting such copies. [If the supervisors maintain or have access to the checklist or information from which the checklist was derived in more than one form, the person requesting copies shall be furnished copies in any of those forms according to his preference. The supervisors may charge a reasonable fee for copies that is based on the actual costs incurred when reproducing an existing checklist, except that in no event shall the fee for paper copies of any single town or ward checklist be less than \$5 nor more than \$25 per checklist. The fee charged for checklists on computer disk or tape, or in any form other than paper, shall be based solely on the additional costs incurred to provide such checklist to the individual requesting it. The fee shall be for the use of the town or city.] Only the supervisors of the checklist may provide public checklists of less than the entire state. The supervisors of the checklist may charge a fee of up to \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the secretary of state or the supervisors of the checklist may charge a fee of up to \$25, plus \$0.0005 per name for each name in excess of 2,500, plus any shipping costs.

III. The secretary of state or supervisors of the checklist may provide public checklist information on computer disk, computer tape, electronic transfer, or any form other than paper. The secretary of state may only provide checklist information to a political committee of a political party as defined in RSA 664:2, V, or to a candidate who has filed for consideration for any office in any primary or general election or who has been nominated for any office in a general election. The fee charged for public checklists provided by the secretary of state or supervisors of the checklist in any form other than paper shall be based solely on the additional costs incurred to provide such checklists.

IV. Fees collected by the secretary of state under this section shall be deposited in the election fund established pursuant to RSA 5:6-d. Fees collected by a town or city under this section shall be for the use of the town or city.

V. No person shall use or permit the use of checklist information provided by the secretary of state for commercial purposes. Whoever knowingly violates any of the provisions of this section shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

VI. This section shall not be construed to restrict the transfer of checklist information to the state or federal courts as required by RSA 654:45 for any lawful purpose.

AMENDED ANALYSIS

This bill:

I. Modifies fees and procedures for obtaining copies of voter checklist information.

II. Prohibits the use of checklist information provided by the secretary of state for commercial purposes.

III. Permits the secretary of state to make voter database record data available to assist in the preparation of jury lists.

Amendment adopted.

Committee report adopted.

Referred to the committee on Ways and Means.

HB 1647-FN, relative to lowering the legal drinking age for members of the armed forces. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Donald R. Buxton for the Majority of Judiciary: The sponsors of this bill have good intentions, but passage of this bill most likely will result in tragic and unintended consequences. It is a fact that 4.8% of all drivers are within this age group that we are concerned with here. They account for 17% of all fatal accidents and 22% of all accidents. The majority of the committee feels that 18, 19, and 20-year olds lack the maturity and judgment necessary when dealing with alcohol. Another issue involved here is the question of constitutionality, whether or not one can

apply one set of laws to members of the armed forces and another set of laws to non-service citizens in the same group. History has shown us that lowering the drinking age did not work and there is no evidence advanced that shows us that it will work now. Representatives of the Attorney General, Department of Safety, the Liquor Commission, active and inactive military veterans and others were all opposed to this bill, as was a medical doctor. Five of the seven veterans on the Judiciary Committee voted against the bill. Vote 17-2.

Rep. Bernard E. Buzzell for the Minority of Judiciary: The minority hopes to offer a floor amendment that would address the concerns of underage drinking, the DWI, and treating all citizens as equals.

Rep. Splaine spoke to the bill.

Majority committee report adopted.

HB 1321, relative to qualifications for police chiefs in towns with populations of more than 3,000. **INEXPEDIENT TO LEGISLATE.**

Rep Paul R Hopfgarten for Municipal and County Government: This bill proposes to ensure that anyone filing for the position of an elected police chief in towns with a population greater than 3,000 is pre-qualified to serve before holding office. The committee believes that there are currently other available options such as appointment of this position where the governing body determines the terms under which a chief would be hired. Also, this bill would have allowed a resident of any town in the state to run for elected office of police chief. While the committee respects and understands the intent of the sponsor, the committee was concerned about this potential precedent being set. The committee feels that if a person is elected as police chief of the municipality he or she should be a resident with a minimum length of residency prior to running for the position. This length of residency would add to the benefit of the candidate for police chief in having a general knowledge of the town and its residents. Vote 13-0.

Rep. Solomon spoke against.

Rep. Hopfgarten spoke in favor.

Committee report adopted.

HB 1743-FN, relative to reimbursing towns for the operating expenses of certain railroad passenger facilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew Renzullo for the Majority of Municipal and County Government: The intent of this bill appears to try and correct an issue of fairness. The issue is who should pay for the operating expenses of the Amtrak Downeaster owned by Northern New England Public Railroad Association, located in Maine. The committee heard testimony from representatives of the University System of New Hampshire (UNH), the town of Exeter, and the city of Dover. The history of how Amtrak came to New Hampshire and these locations in particular, was addressed. An agreement between UNH, Exeter and Dover with Amtrak and the track owner took place about five years ago. Exeter, Dover and UNH agreed to pay for platform lease, platform maintenance, and liability insurance for the operation. Now with the costs of everything going up, these three entities are requesting that the Department of Transportation reimburse them for these expenses. While the committee sympathizes with the situation that UNH, Exeter, and Dover are in, we cannot support a bill that requires the state to pick up this cost. We feel that these communities can address this issue with Amtrak through negotiations. If that fails, due to the fact that the players in the original deal also included federal agencies, the issue should be presented to New Hampshire's senators and congressmen for attention. Vote 11-2.

Rep. Jessie Osborne for the Minority of Municipal and County Government: The minority of the committee finds that the State of New Hampshire should aid and support the sponsoring towns of Exeter, Durham, and the City of Dover, and reimburse them for their expenses related to the platform maintenance and liability insurance expenses caused by their acceptance of train stations in their municipalities. These train stops service the entire region of the southeastern section of the state not solely the host towns. The State of New Hampshire has evidenced a commitment to public transportation by supporting regional transportation centers, Airports, Park & Rides and finally state and interstate highways with money and reimbursements. Department of Transportation has encouraged and helped to finalize this rail transportation contract, and left the finance payments to the municipalities. The contract which was state-negotiated did not allow the towns any options for how the local communities would pay for the continued upkeep. New Hampshire needs to support and encourage public transportation as an alternative to the automobile. We need to find alternatives to promote energy conservation and to protect the state from increasing air pollution. Majority committee report adopted.

HB 1619-FN, relative to a certain toll plaza in Merrimack. **INEXPEDIENT TO LEGISLATE.** Rep. James W. Danforth for Public Works and Highways: The State of New Hampshire has been able to expedite highway improvements and development with the use of toll roads in specific areas of the state. The toll roads are funded by means of the sale of public bonds and repaid by the revenue raised at the tolls. Removal of the toll plaza as outlined in this bill could affect the state's bond rating for current and future road projects and would affect the state's ability to repay current bonds. Vote 14-1. Rep. Mooney spoke against and requested a roll call; sufficiently seconded.

YEAS 258 NAYS 82**YEAS 258****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Roberts, Kris
Sawyer, Sheldon	Weed, Charles		

COOS

King, Frederick	Lary, Bruce	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Dorsett, Andrew	Eaton, Stephanie
Giuda, Robert	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Beaulieu, Jane	Bergeron, Jean-Guy
Calawa, Leon Jr	Carew, James	Carter, Mark	Chase, Claudia
Christiansen, Lars	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Drisko, Richard	Dyer, Donald	Eggers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Golding, William
Goley, Jeffrey	Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken
Hirschmann, Keith	Holden, Randolph	Jasper, Shawn	Kurk, Neal
Lawrence, James	Manney, Pamela	Mead, Robert	Messier, Irene
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Ross, Lawrence	Rowe, Robert	Shattuck, Gilman
Slocum, Lee	Smith, David	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John

DeStefano, Stephen
Hager, Elizabeth
Kidder, David
Lockwood, Priscilla
McMahon, Patricia
Reed, Dennis
Tilton, Joy

Foose, Robert
Hamm, Christine
Klose, John
MacKay, James
Osborne, Jessie
Rush, Deanna
Walz, Mary Beth

French, Barbara
Hess, David
L'Heureux, Stephen
Marple, Richard
Potter, Frances
Ryan, Jim
Williams, Robert

Greco, Vincent
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Charron, Gene
Dowd, John
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Johnson, Robert
Langley, Jane
Moody, Marcia
Packard, Sherman
Priestley, Anne
Robertson, Carl
Scamman, Stella
Welch, David
Winchell, George

Allen, Mary
Camm, Kevin
Coburn, James
Dowling, Patricia
Flanders, John Sr
Garrity, James
Hughes, Daniel
Katsakiores, George
Major, Norman
Morris, Richard
Palazzo, Frank
Quandt, Marshall Lee
Robinson, John
Stiles, Nancy
Weldy, Norman

Bicknell, Elbert
Carson, Sharon
Cooney, Richard
Doyle, Christopher
Flockhart, Eileen
Gilbert, Karl
Ingram, Russell
Katsakiores, Phyllis
Mason, April
Norelli, Terie
Parker, Benjamin
Quandt, Matthew
Rolston, James
Waterhouse, Kevin
Wells, Roger

Bridle, Russell
Casey, Kimberley
Dalrymple, Janeen
Dumaine, Dudley
Forsing, Robert
Gould, Kenneth
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Powers, James
Rausch, James
Sanders, Elisabeth
Weare, E Albert
Wiley, Robert

STRAFFORD

Albert, Russell
Brown, Julie
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Wall, Janet

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Johnson, Nancy
Newton, Clifford
Smith, Marjorie

Bickford, David
Cataldo, Sam
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Jennifer
Chaplin, Duncan
Heon, Richard
Knowles, William
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

NAYS 82

BELKNAP

None

CARROLL

Babson, David Jr

CHESHIRE

Dunn, J Timothy
Tilton, Anna

Pratt, John

Richardson, Barbara

Robertson, Timothy

COOS

Mears, Edgar

Morneau, Renney

Theberge, Robert

GRAFTON

Mirski, Paul

HILLSBOROUGH

Allan, Nelson
Brassard, Paul
Clemons, Jane

Balboni, Michael
Brundige, Robert
Cote, David

Batula, Peter
Buhlman, David
Cote, Peter

Boehm, Ralph
Christensen, D L Chris
Crane, Elenore Casey

Desmarais, Vivian	Dokmo, Cynthia	Elliott, Nancy	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Ginsburg, Ruth	Gonzalez, Carlos
Gorman, Mary	Graham, John	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jean, Claudette	Judy, Jean	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
Palangas, Eric	Rosenwald, Cindy	Ryder, Donald	Shaw, Barbara
Shaw, Kimberly	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Wheeler, James			

MERRIMACK

Field, William	Gile, Mary	Oliver, James	Soltani, Tony
Tupper, Frank	Wallner, Mary Jane		

ROCKINGHAM

Belanger, Ronald	Bettencourt, David	Buxton, Donald	Cady, Harriet
DiFruscia, Anthony	Hopfgarten, Paul	Hutchinson, Karen	Lund, Howie
Nowe, Ronald	Pantelakos, Laura	Splaine, James	Weyler, Kenneth

STRAFFORD

Callaghan, Frank	Cilley, Jacalyn	Easson, Timothy	Snyder, Clair
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SULLIVAN

Phinzy, James

and the committee report was adopted.

Rep. Stone did not vote and notified the Clerk that he wished to be recorded in favor.

REGULAR CALENDAR – PART I

HB 1414-FN, relative to the protection of personal information by mandatory notice of security breach. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles L. Clark for Commerce: This is one of a number of bills that came before the committee dealing with the subject of security breach notification. The committee decided to use HB 1660-FN as a foundation for the formulation of a workplace bill that will accomplish the notification objective without the unintended consequences which are likely any time we are moving into unexplored legal territory. The best parts of this bill have been incorporated into HB 1660-FN. Vote 15-0. Committee report adopted.

HB 1660-FN, regulating identity theft. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Clark for Commerce: This is the identity theft bill which resulted from the four bills submitted in this area. There were many competing interests and the committee struggled to resolve those differences. The committee concluded that identity theft notification was extremely important. This bill makes a good first step by requiring notification to the consumer no more than 15 business days from the time of security breach discovery. The committee agreed that we are on the right track in a very complex area. Vote 18-0.

Amendment (0808h)

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision: Right to Privacy; Notice of Security Breach. Amend RSA 359-C by inserting after section 18 the following new subdivision:

Notice of Security Breach

359-C:19 Definitions. In this subdivision:

I. "Computerized data" means personal information stored in an electronic format.

II. "Person" means an individual, corporation, trust, partnership, incorporated or unincorporated association, limited liability company, or other form of entity, or any agency, authority, board, court, department, division, commission, institution, bureau, or other state governmental entity, or any political subdivision of the state.

III.(a) "Personal information" means an individual's first name or initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

- (1) Social security number.
- (2) Driver's license number.
- (3) Account number, credit card number, or debit card number.
- (4) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

(b) Personal information shall not include information that is lawfully made available to the general public from federal, state, or local government records.

IV. "Security breach" means unauthorized acquisition of unencrypted computerized data, or encrypted computerized data in combination with any required security code, access code, or password that would permit access to the encrypted data, that materially compromises the security, confidentiality, or integrity of personal information maintained by a person doing business in this state. Good faith acquisition of personal information by an employee or agent of a person for the purposes of the person's business shall not be considered a security breach, provided that the personal information is not used or subject to further unauthorized disclosure.

359-C:20 Notification of Security Breach Required.

I.(a) Any person doing business in this state who owns or licenses computerized data that includes personal information shall, when it becomes aware of a security breach, promptly determine the likelihood that the information has been or will be misused. If the determination is that misuse of the information has occurred or is reasonably likely to occur, or if a determination cannot be made, the person shall notify the affected individuals as soon as possible as required under this subdivision.

(b) Any person engaged in trade or commerce that is subject to RSA 358-A:3, I shall also notify the regulator which has primary regulatory authority over such trade or commerce. All other persons shall notify the New Hampshire attorney general's office. The notice shall include the anticipated date of the notice to the individuals and the approximate number of individuals who will be notified. Nothing in this section shall be construed to require the person to provide to any regulator or the New Hampshire attorney general's office the names of the individuals entitled to receive the notice or any personal information relating to them.

(c) The disclosures required under subparagraphs I(a)-(b) shall be made as expeditiously as possible, but no more than 15 business days after such breach has been discovered.

II. Notification pursuant to paragraph I may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation.

III. The notice required under this section shall be provided by one of the following methods:

(a) Written notice.

(b) Electronic notice, if such notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. section 7001.

(c) Telephonic notice, provided that a log of each such notification is kept by the person or business who notifies affected persons.

(d) Substitute notice, if the person demonstrates that the cost of providing notice would exceed \$5,000 that the affected class of subject individuals to be notified exceeds 1,000 or the person does not have sufficient contact information. Substitute notice shall consist of all of the following:

(1) E-mail notice when the person has an e-mail address for the affected individuals.

(2) Conspicuous posting of the notice on the person's business website, if the person maintains one.

(3) Notification to major statewide media.

(e) Notice pursuant to the person's internal notification procedures maintained as part of an information security policy for the treatment of personal information.

IV. Notice under this section shall include at a minimum:

(a) A description of the incident in general terms.

(b) The approximate date of breach.

(c) The type of personal information obtained as a result of the security breach.

(d) The telephonic contact information of the person subject to this section.

V. Any person engaged in trade or commerce that is subject to RSA 358-A:3, I which maintains procedures for security breach notification pursuant to the laws, rules, regulations, guidances, or guidelines issued by a state or federal regulator shall be deemed to be in compliance with this subdivision if it acts in accordance with such laws, rules, regulations, guidances or guidelines.

VI.(a) If a person is required to notify more than 1,000 consumers of a breach of security pursuant to this section, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by 15 U.S.C. section 1681a(p), of the anticipated date of the notification to the consumers, the approximate number of consumers who will be notified, and the content of the notice. Nothing in this paragraph shall be construed to require the person to provide to any consumer reporting agency the names of the consumers entitled to receive the notice or any personal information relating to them.

(b) Subparagraph (a) shall not apply to a person who is subject to Title V of the Gramm Leach Bliley Act, 15 U.S.C. section 6801 et seq.

359-C:21 Violation. Failure of a person engaged in trade or commerce subject to RSA 358-A to the notices required by this subdivision shall be a violation of RSA 358-A and such person shall be subject to the provisions of RSA 358-A:4 and RSA 358-A:10.

2 Effective Date. This act shall take effect January 1, 2007.

Amendment adopted.

Rep. Kurk offered floor amendment (0932h).

Floor Amendment (0932h)

Amend RSA 359-C:20, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The disclosures required under subparagraphs I(a)-(b) shall be made as quickly as possible, but no more than 3 business days after such breach has been discovered.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Charles Clark spoke against and yielded to questions.

On a division vote, 254 members having voted in the affirmative and 87 in the negative, floor amendment (0932h) was adopted.

Committee report as amended was adopted.

Referred to the committee on Criminal Justice and Public Safety.

HB 1702-FN-A, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen B. Stepanek for Commerce: The intent of this bill is laudable. Unfortunately, it has several major flaws which make this bill unworkable. We feel it is unacceptable to expand the Healthy Kids Program to include healthy adults. The Healthy Kids Program is highly successful and any adult program should stand on its own. There is legitimate concern that this bill could adversely impact Healthy Kids. Additionally, there is no funding mechanism in this bill. Vote 13-5.

Rep. Schmidt spoke against and yielded to questions.

Committee report adopted.

HB 1704-FN-A, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen B. Stepanek for Commerce: This is a poorly crafted bill which, on its face, says it is created to help defray health care costs of the state. In reality it has been carefully crafted to target only one company. Health insurance is still a voluntary benefit provided by the employer. This bill would make it a mandatory requirement. The bill would also dictate how much an employer is to spend, and if they didn't, it would impose what amounts to a tax on that employer, a health care tax. Of course a company could get around this by reducing its part-time workers or by out-sourcing jobs to fall below the 1500 limit. The 1500 employee limit today could be 1000 tomorrow, 500 the next day and then just mandatory for every employer. This bill sets us on the road towards mandatory health insurance coverage by all employers coupled with mandatory levels of coverage or a health insurance tax. The committee felt this was not the direction this legislature or this state should be moving. Vote 12-6.

Reps. Moody and Harvey spoke against.

Rep. Charles Clark spoke in favor.

Rep. Mitchell spoke against and yielded to questions.

Rep. Sheila Francoeur spoke in favor and yielded to questions.

Rep. Moody requested a roll call; sufficiently seconded.

YEAS 212 NAYS 128**YEAS 212
BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Plifka, Stanley Jr	Roberts, Kris	Sawyer, Sheldon	

COOS

Lary, Bruce	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Toll, John Jr		

GRAFTON

Bleyler, Ruth	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Ham, Bonnie	Ingretson, Paul	McLeod, Martha	Mirski, Paul
Nordgren, Sharon	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Campbell, David	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Francoeur, Bea	Gargas, Carolyn	Golding, William	Gonzalez, Carlos
Graham, John	Hagan, Barbara	Hansen, Ryan	Hawkins, Ken
Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Messier, Irene	Michon, Stephen	Mooney, Maureen
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Foose, Robert	Hess, David	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Marple, Richard	Oliver, James	Reardon, Tara
Reed, Dennis			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Doyle, Christopher

Dumaine, Dudley
 Francoeur, Sheila
 Griffin, Mary
 Ingram, Russell
 Katsakiores, Phyllis
 Major, Norman
 Nowe, Ronald
 Parker, Benjamin
 Sanders, Elisabeth
 Waterhouse, Kevin
 Wells, Roger

Fesh, Bob
 Garrity, James
 Hopfgarten, Paul
 Itse, Daniel
 Kobel, Rudolph
 Mason, April
 O'Neil, Michael
 Priestley, Anne
 Scamman, Stella
 Weare, E Albert
 Weyler, Kenneth

Flanders, John Sr
 Gilbert, Karl
 Hughes, Daniel
 Johnson, Robert
 Langley, Jane
 McKinney, Betsy
 Packard, Sherman
 Rausch, James
 Stiles, Nancy
 Welch, David
 Winchell, George

Forsing, Robert
 Gould, Kenneth
 Hutchinson, Karen
 Katsakiores, George
 Lund, Howie
 Morris, Richard
 Palazzo, Frank
 Rolston, James
 Stone, Joseph
 Weldy, Norman

STRAFFORD

Albert, Russell
 Callaghan, Frank
 Easson, Timothy
 Newton, Clifford

Berube, Roger
 Cataldo, Sam
 Hofemann, Roland
 Schmidt, Peter

Bickford, David
 Chaplin, Duncan
 Kaen, Naida
 Snyder, Clair

Brown, Julie
 Dunlap, Patricia
 Knowles, William
 Taylor, Kathleen

SULLIVAN

Ferland, Brenda

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 128

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

Dickinson, Howard

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Mitchell, Bonnie
 Richardson, Barbara

Butcher, Suzanne
 Eaton, Daniel
 Parkhurst, Henry
 Robertson, Timothy

Butynski, William
 Espiefs, Peter
 Pelkey, Stephen
 Tilton, Anna

Chase, William
 Hogancamp, Deborah
 Pratt, John
 Weed, Charles

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
 Cooney, Mary
 Sokol, Hilda

Almy, Susan
 Hammond, Lee
 Solomon, Peter

Andersen, Gene
 Harding, A Laurie

Benn, Bernard
 Mulholland, Catherine

HILLSBOROUGH

Beaulieu, Jane
 Cote, David
 Desmarais, Vivian
 Ginsburg, Ruth
 Hall, Betty
 Jeudy, Jean
 Movsesian, Lori
 Rosenwald, Cindy
 Smith, David

Brassard, Paul
 Cote, Peter
 DeVries, Betsi
 Goley, Jeffrey
 Harvey, Suzanne
 Kopka, Angeline
 Pappas, Christopher
 Shattuck, Gilman
 Sullivan, Francis

Chase, Claudia
 Craig, James
 Egbers, Fran
 Gorman, Mary
 Holden, Randolph
 Lasky, Bette
 Pilotte, Maurice
 Shaw, Barbara
 Sullivan, Peter

Clemons, Jane
 Daniuk, Caitlin
 Gibson, John
 Goyette, Peter Jr
 Jean, Claudette
 Martin, Mary Ellen
 Rochette, Eric
 Shaw, Kimberly
 Velez, Hector

MERRIMACK

Blanchard, Elizabeth
 DeJoie, John
 Hamm, Christine
 Potter, Frances
 Soltani, Tony
 Walz, Mary Beth

Bouchard, Candace
 French, Barbara
 Langlais, Thomas
 Rush, Deanna
 Tilton, Joy
 Williams, Robert

Brueggemann, Donald
 Gile, Mary
 McMahon, Patricia
 Ryan, Jim
 Tupper, Frank
 Yeaton, Charles

Clarke, Claire
 Greco, Vincent
 Osborne, Jessie
 Shurtleff, Stephen
 Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Flockhart, Eileen
Quandt, Marshall Lee
Splaine, James

Cali-Pitts, Jacqueline
Moody, Marcia
Quandt, Matthew
Wiley, Robert

Casey, Kimberley
Norelli, Terie
Robertson, Carl

Cooney, Richard
Powers, James
Robinson, John

STRAFFORD

Brown, Jennifer
Domingo, Baldwin
Keans, Sandra
Smith, Marjorie

Brown, Lawrence
Heon, Richard
Miller, Joseph
Spang, Judith

Cilley, Jacalyn
Hilliard, Dana
Rollo, Michael
Wall, Janet

Creteau, Irene
Johnson, Nancy
Rous, Emma

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
and the committee report was adopted.

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Franklin, Peter
Prichard, Stephen

HB 1422-FN, relative to the death penalty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stanley E. Stevens for the Majority of Criminal Justice and Public Safety: This bill seeks to remove the death penalty from RSA 630:1 Capital Murder. The majority of the committee feels that while it does not repeal Capital Murder, it reduces it to First Degree Murder. It creates two separate sections that cover only one outcome – life without parole. Capital Murder was carefully crafted to protect certain positions: law enforcement officers (including sheriffs, deputy sheriffs, state police officers, constables, police officers of any city or town, an official, or employee of any prison, jail or corrections institution, a probation-parole officer, a conservation officer), or judicial officer acting in the line of duty, or when the death is caused as a consequence of, or in retaliation for such person's actions in the line of duty. It also identifies five other narrow applications. Further, the death sentence is not absolute. Paragraph III states specifically, a person convicted of a Capital Murder may be punished by death and that no person under the age of 17 can be culpable of Capital Murder. RSA 630:5 sets forth the procedures to be followed in Capital Murder. A conviction does not necessarily result in the death penalty. For these and other reasons we believe there should be no change in the current law. Vote 11-7.

Rep. Timothy N. Robertson for the Minority of Criminal Justice and Public Safety: The minority of the committee voted against the ITL motion because we believe the State of New Hampshire should abolish the death penalty. How a society deals with evil says a lot about itself. This bill would replace our death penalty of execution with another death penalty - life in prison without any chance of parole, until death. Getting "tough on crime" means doing more of the things we should be doing – giving our police and other law enforcement personnel the tools they need to do their job well. It also means supporting more of our efforts in our schools to provide quality education for our next generation, getting children into a life of employment they can succeed in so they are law abiding adults. Execution serves no purpose other than revenge. Life in prison without any chance at all of parole, and then you are dead, is a powerful message of punishment.

Reps. Rowe and DiFruscia spoke against.

Reps. Bicknell and Mirski spoke in favor.

Rep. Pilliod requested a roll call; sufficiently seconded.

YEAS 200 NAYS 137

YEAS 200**BELKNAP**

Allen, Janet
Flanders, Donald
Russell, David
Veazey, John

Boyce, Laurie
Millham, Alida
Thomas, John
Wendelboe, Fran

Clark, Charles
Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Rosen, Ralph
Tobin, William

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Foote, Sheila	Hunt, John	Pelkey, Stephen
Roberts, Kris	Sawyer, Sheldon		

COOS

Lary, Bruce	Mears, Edgar	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Gionet, Edmond	Giuda, Robert	Ingbreton, Paul	Mirski, Paul
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Batula, Peter	Bergeron, Jean-Guy	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Campbell, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Foster, Linda	Gibson, John	Golding, William
Goley, Jeffrey	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hansen, Ryan	Hawkins, Ken	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Infantine, William
Jasper, Shawn	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Mead, Robert	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Ryder, Donald	Scanlon, Michael
Shaw, Kimberly	Slocum, Lee	Smith, David	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Greco, Vincent
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Oliver, James	Reed, Dennis	Rush, Deanna	Shurtleff, Stephen
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charon, Gene	Coburn, James	Cooney, Richard
Dowd, John	Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Griffin, Mary	Hoptgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Itse, Daniel	Johnson, Robert	Katsakiores, George
Kobel, Rudolph	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Wiley, Robert	Winchell, George		

STRAFFORD

Albert, Russell
Chaplin, Duncan
Hofemann, Roland

Brown, Julie
Domingo, Baldwin
Knowles, William

Callaghan, Frank
Easson, Timothy
Newton, Clifford

Cataldo, Sam
Heon, Richard
Rollo, Michael

SULLIVAN

Ferland, Brenda

Jillette, Arthur Jr

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 137**BELKNAP**

Heald, Bruce

Morrison, Gail

Pilliod, James

CARROLL

Ahlgren, Christopher

CHESHIRE

Allen, Peter
Dexter, Judson
Hogancamp, Deborah
Pratt, John
Weed, Charles

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

Chase, William
Espiefs, Peter
Plifka, Stanley Jr
Tilton, Anna

COOS

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

Almy, Susan
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Andersen, Gene
Eaton, Stephanie
McLeod, Martha

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Essex, David
Gorman, Mary
Jean, Claudette
Messier, Irene
Pappas, Christopher
Shattuck, Gilman
Sullivan, Peter

Beaulieu, Jane
Cote, Peter
Francoeur, Bea
Hagan, Barbara
Lasky, Bette
Michon, Stephen
Pilotte, Maurice
Shaw, Barbara
Ulery, Jordan

Chase, Claudia
Craig, James
Gargas, Carolyn
Hall, Betty
Matarazzo, Anthony Sr
Mooney, Maureen
Rosenwald, Cindy
Souza, Kathleen
Vaillancourt, Steve

Clemons, Jane
DeVries, Betsi
Ginsburg, Ruth
Harvey, Suzanne
McRae, Karen
Movsesian, Lori
Rowe, Robert
Sullivan, Francis
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
French, Barbara
Osborne, Jessie
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Gile, Mary
Potter, Frances
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
Field, William
Hamm, Christine
Reardon, Tara
Wallner, Mary Jane

Clarke, Claire
Foose, Robert
McMahon, Patricia
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
DiFruscia, Anthony
Ingram, Russell
Norelli, Terie

Bishop, Franklin
Fesh, Bob
Katsakiores, Phyllis
Powers, James

Cali-Pitts, Jacqueline
Flockhart, Eileen
Langley, Jane
Splaine, James

Casey, Kimberley
Gould, Kenneth
Moody, Marcia

STRAFFORD

Berube, Roger
Campbell, W Packy

Bickford, David
Cilley, Jacalyn

Brown, Jennifer
Creteau, Irene

Brown, Lawrence
Dunlap, Patricia

Hilliard, Dana
Miller, Joseph
Snyder, Clair

Johnson, Nancy
Rous, Emma
Spang, Judith

Kaen, Naida
Schmidt, Peter
Taylor, Kathleen

Keans, Sandra
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Phinizy, James

Donovan, Thomas
Prichard, Stephen

Franklin, Peter

and the majority committee report was adopted.

(Deputy Speaker Weyler in the Chair)

HB 1241-FN-L, mandating the inclusion of kindergarten as part of an elementary school. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William J. Remick for the Majority of Education: The committee appreciates, understands, and wanted to strongly support public kindergarten for all New Hampshire children. This bill, as written, would have created an unfunded mandate. The amendment supports those communities who do not yet have kindergarten by extending the Kindergarten Construction Aid Program through June 30, 2008. Vote 10-4.

Rep. Paul C. Ingbretonson for the Minority of Education: This bill was presented as a mere extension of the aid program, but it appears to be actually adding \$1.7 million in new spending.

Majority Amendment (0719h)

Amend the title of the bill by replacing it with the following:

AN ACT extending the kindergarten construction aid program.

Amend the bill by replacing all after the enacting clause with the following:

I Kindergarten Construction Program; Appropriation Amended. Amend 1997, 348:6 as amended by 2001, 287:3, and 2005, 164:1 to read as follows:

348:6 Appropriation; Kindergarten Construction. A sum not to exceed [~~\$29,500,000~~] **\$31,220,194** is hereby appropriated to the department of education for the purposes of constructing kindergarten classrooms. This appropriation shall be nonlapsing and in addition to any other appropriation to the department of education; provided, however, that the department of education shall not approve grant requests for such purposes for more than:

- I. \$6,000,000 in the biennium ending June 30, 1999.
- II. \$5,000,000 in the fiscal year ending June 30, 2000.
- III. \$5,000,000 in the fiscal year ending June 30, 2001.
- IV. \$6,500,000 in the fiscal year ending June 30, 2002.
- V. \$2,000,000 in the fiscal year ending June 30, 2003.
- VI. \$4,000,000 in the fiscal year ending June 30, 2004.
- VII. \$1,000,000 in the fiscal year ending June 30, 2006.

VIII. \$860,097 in the fiscal year ending June 30, 2007.

IX. \$860,097 in the fiscal year ending June 30, 2008.

2 Kindergarten Construction Program; Bonding Amount Amended. Amend 1997, 348:7, 1 as amended by 1997, 351:56, 2001, 287:4, and 2005, 164:2 to read as follows:

I. To provide funds for the appropriation made in section 6 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$29,500,000~~] **\$31,220,194** and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A; provided that bonds or notes shall not be issued in excess of:

- (a) \$6,000,000 in the biennium ending June 30, 1999.
- (b) \$5,000,000 in the fiscal year ending June 30, 2000.
- (c) \$5,000,000 in the fiscal year ending June 30, 2001.
- (d) \$6,500,000 in the fiscal year ending June 30, 2002.
- (e) \$2,000,000 in the fiscal year ending June 30, 2003.
- (f) \$4,000,000 in the fiscal year ending June 30, 2004.
- (g) \$1,000,000 in the fiscal year ending June 30, 2006.
- (h) \$860,097 in the fiscal year ending June 30, 2007.**
- (i) \$860,097 in the fiscal year ending June 30, 2008.**

3 Kindergarten Construction Program. Amend RSA 198:15-r, I to read as follows:

I. There is established in the department of education a kindergarten construction program. For the period beginning July 1, 1997, and ending June 30, [2006] 2008, the commissioner of education shall make grants available to eligible districts that currently do not operate a public kindergarten program to cover 75 percent of the actual cost of construction of kindergarten facilities, exclusive of site acquisition and core facilities. Grants shall also cover the cost of initial equipment needed to operate a kindergarten program.

4 Kindergarten Construction Program; Repeal Date Extended. Amend 2001, 287:7, I as amended by 2003, 319:137 and 2005, 164:4 to read as follows:

I. Paragraph II of section 6 of this act shall take effect July 1, [2006] 2008.

5 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill extends the kindergarten construction aid program through June 30, 2008. On a division vote, 225 members having voted in the affirmative and 92 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report.

Rep. Hagan spoke against.

Rep. Rush spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 231 NAYS 99

YEAS 231

BELKNAP

Fitzgerald, James
Morrison, Gail
Tobin, William

Flanders, Donald
Nedeau, Stephen
Whalley, Michael

Heald, Bruce
Pilliod, James

Millham, Alida
Russell, David

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Philbrick, Donald

Buco, Thomas
McConkey, Mark

Dickinson, Howard
Morrow, Harry

CHESHIRE

Allen, Peter
Dexter, Judson
Espiefs, Peter
Mitchell, Bonnie
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butynski, William
Eaton, Daniel
Hogancamp, Deborah
Pelkey, Stephen
Roberts, Kris

Chase, William
Emerson, Susan
Hunt, John
Plifka, Stanley Jr
Robertson, Timothy

COOS

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Aguiar, James
Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Boehm, Ralph
Chase, Claudia
Cote, Peter

Baroody, Benjamin
Brassard, Paul
Christensen, D L Chris
Coughlin, Pamela

Batula, Peter
Campbell, David
Clemons, Jane
Daniuk, Caitlin

Beaulieu, Jane
Carter, Mark
Cote, David
Desmarais, Vivian

DeVries, Betsi
Essex, David
Golding, William
Hall, Betty
Infantine, William
Lasky, Bette
Messier, Irene
Ober, Lynne
Reeves, Sandra
Shaw, Barbara
Sullivan, Peter

Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Harvey, Suzanne
Jean, Claudette
Manney, Pamela
Michon, Stephen
Pappas, Christopher
Rosenwald, Cindy
Shaw, Kimberly
Wheeler, Robert

Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Hebert, Raymond
Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Pilotte, Maurice
Ryder, Donald
Smith, David

Emerton, Larry
Ginsburg, Ruth
Graham, John
Holden, Randolph
Kurk, Neal
Mead, Robert
O'Brien, William
Price, Pamela
Shattuck, Gilman
Sullivan, Francis

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Klose, John
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Langlais, Thomas
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
MacKay, James
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
Foosse, Robert
Hess, David
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Charron, Gene
Dowling, Patricia
Francoeur, Sheila
Hughes, Daniel
Katsakiores, George
Mason, April
O'Neil, Michael
Robinson, John
Stiles, Nancy
Weldy, Norman

Belanger, Ronald
Buxton, Donald
Coburn, James
Flanders, John Sr
Garrity, James
Hutchinson, Karen
Katsakiores, Phyllis
Moody, Marcia
Parker, Benjamin
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

Bettencourt, David
Cali-Pitts, Jacqueline
Cooney, Richard
Flockhart, Eileen
Gould, Kenneth
Ingram, Russell
Langley, Jane
Morris, Richard
Powers, James
Scamman, Stella
Waterhouse, Kevin
Winchell, George

Bishop, Franklin
Casey, Kimberley
DiFruscia, Anthony
Forsing, Robert
Griffin, Mary
Johnson, Robert
Major, Norman
Norelli, Terie
Robertson, Carl
Splaine, James
Welch, David

STRAFFORD

Berube, Roger
Callaghan, Frank
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Chaplin, Duncan
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Snyder, Clair

Brown, Julie
Cilley, Jacalyn
Heon, Richard
Kaen, Naida
Rous, Emma
Spang, Judith

Brown, Lawrence
Creteau, Irene
Hilliard, Dana
Keans, Sandra
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

NAYS 99

BELKNAP

Allen, Janet
Thomas, John

Boyce, Laurie
Tilton, Franklin

Clark, Charles
Veazey, John

Rosen, Ralph
Wendelboe, Fran

CARROLL

Babson, David Jr

Chandler, Gene

Olimpio, J Lisbeth

Stevens, Stanley

CHESHIRE

Sawyer, Sheldon

COOS

Lary, Bruce

Richardson, Herbert

GRAFTONEaton, Stephanie
Mirski, PaulGionet, Edmond
Sorg, GregoryGiuda, Robert
Williams, Burton

Ingbertson, Paul

HILLSBOROUGHAboshar, Jeffrey
Brundige, Robert
Christiansen, Lars
Francoeur, Bea
Hansen, Ryan
Hirschmann, Keith
McRae, Karen
Rowe, Robert
Vaillancourt, SteveAdams, Jarvis IV
Buhlman, David
Crane, Elenore Casey
Gibson, John
Hawkins, Ken
Jasper, Shawn
Mooney, Maureen
Scanlon, Michael
Villeneuve, MauriceBalboni, Michael
Calawa, Leon Jr
Dyer, Donald
Goyette, Peter Jr
Hellwig, Steve
L'Heureux, Robert
O'Connell, Timothy
Slocum, Lee
Wheeler, JamesBergeron, Jean-Guy
Carew, James
Elliott, Nancy
Hagan, Barbara
Hinkle, Peyton
Lawrence, James
Renzullo, Andrew
Ulery, Jordan**MERRIMACK**Currier, David
Kidder, David
Soltani, TonyDanforth, James
Lockwood, PriscillaField, William
Marple, RichardKennedy, Richard
Oliver, James**ROCKINGHAM**Allen, Mary
Carson, Sharon
Fesh, Bob
Kobel, Rudolph
Packard, Sherman
Quandt, Matthew
Wiley, RobertBicknell, Elbert
Dowd, John
Gilbert, Karl
Lund, Howie
Palazzo, Frank
Rausch, JamesCady, Harriet
Doyle, Christopher
Hopfgarten, Paul
McKinney, Betsy
Priestley, Anne
Rolston, JamesCamm, Kevin
Dumaine, Dudley
Itse, Daniel
Nowe, Ronald
Quandt, Marshall Lee
Weare, E Albert**STRAFFORD**Albert, Russell
Easson, TimothyBickford, David
Newton, Clifford

Campbell, W Packy

Cataldo, Sam

SULLIVANOsgood, Philip Sr
and the majority committee report was adopted.
Referred to the committee on Finance.

Rodeschin, Beverly

HB 1497-L, assessing a fine against a school superintendent for late filings of school enrollment information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly S. Casey for Education: The committee, after considerable discussion, found that the bill, as amended, was a reasonable solution to the ongoing problem of late submissions to the Department of Education of statistical reports. It should be noted that the bill as amended is supported by the NH School Boards Association and the NH School Administrators Association. Vote 13-3.

Amendment (0505h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to certification by a superintendent regarding statistical reports.

Amend the bill by replacing all after the enacting clause with the following:

I Statistical Reports; Failure to File Reports. Amend RSA 189:28, III to read as follows:

III. Each statistical report submitted under this section shall include a certification, signed by the superintendent of the school district, that states: "I certify, under the pains and penalties of perjury, that all of the information contained in this document is true, accurate, and complete, *and*

that the school board chairperson has received a copy of this document." ~~[The statistical report shall also include a certification, signed by the chairperson of the school district's governing body or the chairperson of the board of trustees of approved public academics, that states: "I certify, that, to the best of my knowledge, all of the information contained in this document is true, accurate, and complete."]~~

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the school district superintendent to certify that the school board chairperson has received a copy of certain statistical reports.

Amendment adopted.

The question now being adoption of the committee report.

Rep. W. Packy Campbell yielded to questions.

Committee report adopted and ordered to third reading.

HB 1502, relative to the use of surplus funds from the education trust fund. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Education: The Education Trust Fund has never had a surplus in the past. In the unlikely event one might occur in the future, the use of said funds should not be dedicated to this or any other use apriori. Vote 12-2.

Rep. Carter spoke in favor.

Committee report adopted.

(Speaker Scamman in the Chair)

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy E. Easson for Education: This bill, as amended, will allow school districts to utilize school building aid for the construction of athletic facilities for school use on municipally-owned land. Under administrative rules, building aid for athletic fields can only be used when a new school is built. The amendment builds in some safeguards for the school district. First, using municipal land must be more cost-effective than buying and developing new land. Second, the school district shall have first priority for use for ten years or the life of the bond or note, whichever is greater. Third, in the absence of a bond or note, or upon the expiration of any bond or note, the municipality and the school district enter into an agreement on the future use of the land, buildings, or facilities. Vote 14-0.

Amendment (0667h)

Amend the bill by replacing section 1 with the following:

1 School Building Aid; Amount of Annual Grant. Amend RSA 198:15-b, I to read as follows:

1.(a) The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall be a sum equal to 30 percent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district, joint maintenance agreement, or receiving district, heretofore or hereafter incurred, for the cost of construction or purchase of school buildings and school administrative unit facilities, *or for the cost of acquiring, developing, or renovating any municipally-owned land, buildings, or facilities to be used for school district purposes*, to the extent approved by the department of education, provided that any school district may receive an annual grant in the amount of 40 percent for the construction of an educational administration building for a school administrative unit, and provided that the amount of the annual grant in the case of a cooperative school district, joint maintenance agreement, a receiving district operating an area school, or any receiving district providing an education to pupils from one or more sending districts under a contract

entered into pursuant to RSA 194:21-a or RSA 194:22, shall be 40 percent plus 5 percent for each pre-existing district in excess of 2 and each sending district in excess of one, and provided further that no cooperative school district, joint maintenance agreement, or receiving district operating an area school, shall receive an annual grant in excess of 55 percent.

(b) For any municipally-owned land, buildings, or facilities for which school building aid is granted under this subdivision, the following shall apply:

(1) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or facilities, whichever is greater.

(2) The cost of any proposed renovation project shall be less than the cost of a new acquisition for the same purpose.

(3) In the absence of a bond or note or upon the expiration of any bond or note issued to provide funds for land, buildings, or facilities, the principal parties shall enter into an agreement on how such land, buildings, or facilities are to be used.

Amendment adopted.

On a division vote, 221 members having voted in the affirmative and 66 in the negative, the committee report was adopted.

Referred to the committee on Finance.

HB 1601-FN-L, relative to the funding of catastrophic special education aid. OUGHT TO PASS WITH AMENDMENT.

Rep. Claire D. Clarke for Education: This bill does three things: it lowers the threshold for catastrophic aid by one-half percent; it increases the designated funds available to districts for qualifying emergency assistance from \$250,000 to \$900,000 and increases special education appropriations available for statewide programs from \$300,000 to \$1,000,000. An amendment, passing unanimously in committee, allowed a warrant to be drawn for direct payment to the Laurent Clerc School for the Deaf and Hard of Hearing to keep the School viable, resulting in a savings in catastrophic aid projected to be \$300,000. Vote 15-0.

Amendment (0789h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the funding of catastrophic special education aid and making an appropriation to the department of education to support the Laurent Clerc Academy.

Amend the bill by replacing all after section 1 with the following:

2 Statement of Purpose. The general court finds that elementary and secondary education for students who are deaf or hard of hearing should be provided in an environment that is respectful of the culture of the deaf and hard of hearing. Since a linguistically accessible environment is generally the least restrictive environment for deaf and hard of hearing students, such an environment would be consistent with the Individuals with Disabilities Education Improvement Act of 2004.

3 Appropriation. There is appropriated the sum of \$186,000 for the fiscal year ending June 30, 2006, and the sum of \$241,000 for the fiscal year ending June 30, 2007, to the department of education which shall use such funds to support the Laurent Clerc Academy in providing elementary and secondary education for deaf and hard of hearing students. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the formula used to determine liability for catastrophic aid expenses. The bill also makes an appropriation to the department of education for the 2006 and 2007 fiscal years to support the Laurent Clerc Academy.

Amendment adopted.

Committee report adopted.

Referred to the committee on Finance.

HB 1695-FN, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael B. Asselin for Education: The committee supported the ITL motion given the probability of an ad hoc committee being established to comprehensively look at all special education issues. Vote 17-0.

Committee report adopted.

HB 1622-FN, relative to the state recycling program. **REFER FOR INTERIM STUDY.**

Rep. Burton W. Williams for Environment and Agriculture: The Committee is in complete agreement with the intent of this bill, but finds RSA 21-I covers many of the aspects requiring state agencies to recycle. There is much ambiguity in RSA 21-I and state agencies are not adhering to its intent. The committee recommends a complete rewrite of RSA 21-I and incorporate it into HB 1622. Vote 12-2. Committee report adopted.

HB 1240-FN, establishing the position of state ethics officer. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. A. Laurie Harding for the Majority of Executive Departments and Administration: This bill, as amended, is supported by both the offices of Secretary of State and Attorney General. This legislation creates an ethics officer as an unclassified position assigned to the office of Secretary of State to serve in the role of being the "go-to" person about ethics questions for New Hampshire. The person in this position could have prevented some of the ethical problems that have occurred in the past 2 – 3 years. Legislators, department/agency employees, board/commission members and candidates for public office would have their questions answered in a timely, consistent and confidential fashion. The forms that we must file would be double-checked assuming fewer instances of missed deadlines or improperly completed forms. Passage of this bill is consistent with the priority audit the legislature is placing on ethical practice in state government. Vote 15-2.

Rep. Judson K. Dexter for the Minority of Executive Departments and Administration: This is one of those soft and fuzzy bills we get that looks good to the public but has little, if any impact on the real world. However, there are some major unforeseen consequences that are not addressed by the bill. 1) There are no guidelines as to the qualifications to be the "state ethics officer". 2) The opinions of the "state ethics officer" are advisory only. "The "state ethics officer" shall NOT be authorized to render legal advice. 3) The "state ethics officer" has no power to enforce his non-opinion. 4) The cost for this individual is somewhere between \$15,000/yr - \$80,000/yr. No one could answer the question. It was suggested to combine this bill with other bills dealing with ethics coming from both the house and senate. The minority, without success, tried to move this to interim study in an attempt to answer these questions.

Majority Amendment (0795h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; State Agency Code of Ethics; Position Established. Amend RSA 21-G by inserting after section 29 the following new section:

21-G:30 Ethics Officer; Appointment; Duties and Responsibilities.

I. There is established the classified position of state ethics officer who shall be hired by the secretary of state. The state ethics officer shall be administratively attached to the secretary of state.

II. The state ethics officer shall be responsible for the administration of this subdivision. The ethics officer shall:

(a) Review the administrative requirements of this subdivision and the submission of forms pursuant to RSA 21-G:28.

(b) Communicate with all candidates for public office, public officials, and public employees on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 21-G:28.

(c) Respond to any inquiries from candidates for public office, public officials, and public employees on the administrative requirements of this subdivision and the submission of forms pursuant to RSA 21-G:28.

(d) Assist state agencies adopting supplemental ethics codes under RSA 21-G:27.

(e) Make or forward complaints alleging violations of the provisions of the state ethics code to the attorney general or any other committee or commission authorized by statute to investigate ethics complaints for prosecution.

III. The state ethics officer shall not be authorized to render legal advice.

IV. The state ethics officer shall attend meetings of and act as a liaison to the legislative ethics committee, as well as any other ethics committees or commissions established by statute.

V. Any state agency, commission, or committee authorized by statute to issue opinions interpreting a state ethics law shall submit a copy of any written decision or opinion to the state ethics officer and to the secretary of state. Such written decisions or opinions may be redacted prior to submission in order to protect confidential or nonpublic information.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the classified position of state ethics officer for the administration of the state ethics code.

Rep. Dexter spoke against.

Rep. DeJoie requested a roll call; sufficiently seconded.

YEAS 172 NAYS 150

YEAS 172

BELKNAP

Allen, Janet	Millham, Alida	Pilliod, James	Thomas, John
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CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah	Mitchell, Bonnie
Plifka, Stanley Jr	Richardson, Barbara	Robertson, Timothy	Weed, Charles

COOS

Mears, Edgar	Merrick, Scott	Morneau, Renney	Toll, John Jr
--------------	----------------	-----------------	---------------

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Beaulieu, Jane	Brassard, Paul	Campbell, David
Carter, Mark	Chase, Claudia	Christiansen, Lars	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
DeVries, Betsi	Dokmo, Cynthia	Essex, David	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hebert, Raymond	Infantine, William	Jasper, Shawn	Kopka, Angeline
L'Heureux, Robert	Lasky, Bette	Manney, Pamela	Matarazzo, Anthony Sr
Michon, Stephen	Movesian, Lori	O'Connell, Timothy	Pilote, Maurice
Price, Pamela	Reeves, Sandra	Rosenwald, Cindy	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Sullivan, Francis	Sullivan, Peter

MERRIMACK

Bueggemann, Donald	Clarke, Claire	Currier, David	Danforth, James
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard

McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Reed, Dennis
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Dowling, Patricia
Kobel, Rudolph
Norelli, Terie
Scamman, Stella
Weyler, Kenneth

Bridle, Russell
Coburn, James
Flockhart, Eileen
Langley, Jane
Powers, James
Splaine, James
Wiley, Robert

Buxton, Donald
Cooney, Richard
Forsing, Robert
Mason, April
Robertson, Carl
Stiles, Nancy

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Katsakiores, Phyllis
Moody, Marcia
Robinson, John
Wells, Roger

STRAFFORD

Berube, Roger
Callaghan, Frank
Hilliard, Dana
Kears, Sandra
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Brown, Julie
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Lawrence
Heon, Richard
Kaen, Naida
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

NAYS 150

BELKNAP

Boyce, Laurie
Heald, Bruce
Tilton, Franklin
Whalley, Michael

Clark, Charles
Neddeau, Stephen
Tobin, William

Fitzgerald, James
Rosen, Ralph
Veazey, John

Flanders, Donald
Russell, David
Wendelboe, Fran

CARROLL

Brown, Carolyn

Martin, James

McConkey, Mark

Stevens, Stanley

CHESHIRE

Dexter, Judson
Parkhurst, Henry
Tilton, Anna

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Roberts, Kris

Hunt, John
Sawyer, Sheldon

COOS

Remick, William

Richardson, Herbert

Stohl, Eric

Theberge, Robert

GRAFTON

Benn, Bernard
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Giuda, Robert
Williams, Burton

Ham, Bonnie

HILLSBOROUGH

Bergeron, Jean-Guy
Buhlman, David
Crane, Elenore Casey
Elliott, Nancy
Golding, William
Hellwig, Steve
Kurk, Neal
Messier, Irene

Biundo, Michael
Calawa, Leon Jr
Desmarais, Vivian
Emerton, Larry
Goyette, Peter Jr
Hinkle, Peyton
Lawrence, James
Mooney, Maureen

Boehm, Ralph
Carew, James
Drisko, Richard
Francoeur, Bea
Hagan, Barbara
Holden, Randolph
McRae, Karen
O'Brien, William

Brundige, Robert
Christensen, D L Chris
Dyer, Donald
Gibson, John
Hawkins, Ken
Jean, Claudette
Mead, Robert
Ober, Lynne

Pappas, Christopher
 Ryder, Donald
 Ulery, Jordan
 Wheeler, Robert

Renzullo, Andrew
 Scanlon, Michael
 Vaillancourt, Steve

Ross, Lawrence
 Slocum, Lee
 Villeneuve, Maurice

Rowe, Robert
 Smith, David
 Wheeler, James

MERRIMACK

Anderson, Eric
 Hess, David
 Lockwood, Priscilla
 Reardon, Tara

Blanchard, Elizabeth
 Kidder, David
 MacKay, James
 Soltani, Tony

Bouchard, Candace
 Klose, John
 Marple, Richard

Field, William
 Langlais, Thomas
 Oliver, James

ROCKINGHAM

Allen, Mary
 Bishop, Franklin
 Charron, Gene
 Fesh, Bob
 Gilbert, Karl
 Hughes, Daniel
 Lund, Howie
 Nowe, Ronald
 Parker, Benjamin
 Rausch, James
 Waterhouse, Kevin
 Winchell, George

Belanger, Ronald
 Cady, Harriet
 Dowd, John
 Flanders, John Sr
 Gould, Kenneth
 Ingram, Russell
 Major, Norman
 O'Neil, Michael
 Priestley, Anne
 Rolston, James
 Weare, E Albert

Bettencourt, David
 Camm, Kevin
 Doyle, Christopher
 Francoeur, Sheila
 Griffin, Mary
 Johnson, Robert
 McKinney, Betsy
 Packard, Sherman
 Quandt, Marshall Lee
 Sanders, Elisabeth
 Welch, David

Bicknell, Elbert
 Carson, Sharon
 Dumaine, Dudley
 Garrity, James
 Hopfgarten, Paul
 Katsakiores, George
 Morris, Richard
 Palazzo, Frank
 Quandt, Matthew
 Stone, Joseph
 Weldy, Norman

STRAFFORD

Albert, Russell
 Chaplin, Duncan

Bickford, David
 Easson, Timothy

Campbell, W Packy
 Newton, Clifford

Cataldo, Sam

SULLIVAN

Osgood, Philip Sr Rodeschin, Beverly
 and the majority committee amendment was adopted.

The question now being adoption of the majority committee report.
 Rep. Jasper spoke in favor.

Reps. Whalley, Crane, Soltani and Mirski spoke against and yielded to questions.

Rep. Harding spoke in favor and yielded to questions.

Rep. Rollo requested a roll call; sufficiently seconded.

YEAS 141 NAYS 181

YEAS 141

BELKNAP

Millham, Alida

Morrison, Gail

Pilliod, James

Russell, David

CARROLL

Buco, Thomas
 Olimpio, J Lisbeth

Chandler, Gene

Dickinson, Howard

Knox, J David

CHESHIRE

Allen, Peter
 Eaton, Daniel
 Richardson, Barbara

Butcher, Suzanne
 Hogancamp, Deborah
 Robertson, Timothy

Butynski, William
 Mitchell, Bonnie
 Weed, Charles

Dunn, J Timothy
 Plifka, Stanley Jr

COOS

Mears, Edgar
 Tholl, John Jr

Merrick, Scott

Morneau, Renney

Theberge, Robert

GRAFTON

Aguiar, James
 Hammond, Lee
 Nordgren, Sharon

Almy, Susan
 Harding, A Laurie
 Sokol, Hilda

Andersen, Gene
 McLeod, Martha
 Solomon, Peter

Cooney, Mary
 Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson	Baroudy, Benjamin	Beaulieu, Jane	Campbell, David
Carter, Mark	Chase, Claudia	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	Dokmo, Cynthia
Essex, David	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Goley, Jeffrey	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Jasper, Shawn	Jean, Claudette	Kopka, Angeline	L'Heureux, Robert
Lasky, Bette	Manney, Pamela	Matarazzo, Anthony Sr	Messier, Irene
Michon, Stephen	Movsesian, Lori	Pilote, Maurice	Price, Pamela
Rosenwald, Cindy	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Sullivan, Francis	Sullivan, Peter		

MERRIMACK

Brueggemann, Donald	Clarke, Claire	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Lockwood, Priscilla
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Flanders, John Sr	Flockhart, Eileen	Moody, Marcia	Norelli, Terie
Powers, James	Robertson, Carl	Robinson, John	Splaine, James
Wells, Roger	Weyler, Kenneth	Wiley, Robert	

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinzy, James	Prichard, Stephen

NAYS 181**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Rosen, Ralph
Thomas, John	Tobin, William	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Martin, James
McConkey, Mark	Morrow, Harry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Dexter, Judson	Emerson, Susan	Espiefs, Peter	Footte, Sheila
Hunt, John	Parkhurst, Henry	Pelkey, Stephen	Roberts, Kris
Sawyer, Sheldon	Tilton, Anna		

COOS

King, Frederick	Remick, William	Richardson, Herbert	Stohl, Eric
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GRAFTON

Benn, Bernard	Bleyler, Ruth	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ham, Bonnie	Mirski, Paul	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gibson, John	Golding, William	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hansen, Ryan	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Holden, Randolph	Infantine, William
Kurk, Neal	Lawrence, James	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Slocum, Lee
Smith, David	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Currier, David
Field, William	Hess, David	Kidder, David	Klose, John
Langlais, Thomas	MacKay, James	Marple, Richard	Oliver, James
Reardon, Tara	Reed, Dennis	Soltani, Tony	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Forsing, Robert	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	Morris, Richard	Nowe, Ronald	O'Neil, Michael
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Winchell, George			

STRAFFORD

Albert, Russell	Bickford, David	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Easson, Timothy
Newton, Clifford			

SULLIVAN

Cloutier, John	Osgood, Philip Sr	Rodeschin, Beverly
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and the majority committee report failed.

Rep. Dexter moved Refer For Interim Study and spoke in favor.

Rep. Giuda spoke against.

On a division vote, 170 members having voted in the affirmative and 152 in the negative, the motion was adopted.

HB 1739-FN, relative to body art practitioners. INEXPEDIENT TO LEGISLATE.

Rep. James B. Coburn for Executive Departments and Administration: This bill would establish the board of licensed body art practitioners and revises the laws regulating the practice of body piercing, branding and tattooing. The bill is well written, going into the detail necessary to properly establish a board of licensed body art practitioners. The committee did not feel that the work necessary to set up the board would result in significant improvement over how the profession is regulated today. Vote 12-4.

Committee report adopted.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted.

Adopted.

LATE SESSION

Third reading and final passage

HB 1419-FN, relative to mediation in divorce proceedings.

HB 1424, relative to persons permitted to attend child abuse and neglect hearings.

HB 1516, relative to the modification and enforcement of child support orders.

HB 1583, relative to grounds for modification of parental rights and responsibilities.

HB 1585, relative to enforcement of orders regarding parenting plans.

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements.

HB 1720-FN, relative to notice of parent liability in CHINS proceedings.

HB 1725-FN, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases.

HB 1733-FN, establishing a reporting system for court decisions relative to residential responsibility under parenting plans.

HB 1570, relative to health insurance coverage for part-time college students.

HB 1231-FN, relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer.

HB 1361, relative to the penalty for shoplifting.

HB 1410-FN-L, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility.

HB 1662-FN, establishing the crime of peonage.

HB 1173, relative to designating the clerk in cities the chief elections officer for the city.

HB 1114, relative to regulation by the board of licensure of interpreters for the deaf and hard of hearing.

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances.

HB 1134, relative to membership of the state building code review board.

HB 1156, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail.

HB 1191, making technical corrections to the chapter governing vital records.

HB 1264, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act.

HB 1458-FN, relative to the regulation of landscape architects.

HB 1501, making various changes to the lottery commission.

HB 1521, relative to the membership of the juvenile parole board.

HB 1634-FN, making technical changes to the law governing the New Hampshire retirement system.

HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners.

HB 1427, relative to guiding principles for developmentally disabled services.

HB 1727-FN, relative to transfer or discharge of patients or residents in licensed facilities.

HB 1153, establishing a commission to study the laws and rules relating to subpoenas, summonses and complaints.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

HB 1588, relative to unemployment compensation requirements for governmental and non-profit employers.

HB 1305-L, authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

HB 1436-L, authorizing municipal and county biennial budgets for a 24-month period.

HB 1152, naming a certain bridge over the Merrimack River.

HB 1225-FN-A, relative to the judicial branch family division for the Henniker and Hillsborough District Courts.

HB 1589, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year olds and 18-year olds who are ready to leave foster care or the youth development center.

HB 1376, relative to the duties of the legislative oversight committee on electric utility restructuring.

HB 1690, relative to renewable energy.

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment.

HB 1154-FN, relative to eligibility for special number plates for veterans.

HB 1176, establishing a committee to study statutes relating to railroads.

HB 1581, relative to drivers' licenses issued to persons under the age of 21.

HB 1663-FN-L, relative to the licensing fee for motor vehicle recycling yards.

HJR 24, supporting efforts for commuter rail in the state of New Hampshire.

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

HB 1497-L, relative to certification by a superintendent regarding statistical reports.

SPECIAL ORDER

Without objection, the Speaker ordered the remainder of bills on today's calendar be Special Ordered for Thursday, February 16, 2006.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess until 1:00 p.m. tomorrow.

Adopted.

The House recessed at 5:30 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:00 p.m. and the Speaker called the recessed session of February 15, 2006 to order.

Without objection, the Chair ordered that since the House was technically still in the February 15, 2006 session, any leave of absence requests received by the Clerk today will be granted, unless otherwise ordered by the House.

LEAVES OF ABSENCE

Reps. Barker, Barry, Carlson, Chabot, Egbers, Gillick, Hunter, Lefebvre, Lessard, Maybeck, Putnam, Whiting, and Wiley, the day, illness.

Reps. Aboshar, Benn, Jennifer Brown, Buzzell, Daniuk, Dowling, Gargas, Giuda, Gonzalez, Goodwin, Greco, Hollinger, Hutchinson, Introne, Irwin, Stephen L'Heureux, MacKay, Mason, McConkey, McMahon, McRae, Michon, Morneau, Naro, Pappas, Pepino, Plifka, Reed, Rochette, Schulze, Serlin, Spang, Katherine Taylor and Twombly, the day, important business.

Rep. Mears, the day, illness in the family.

Rep. Bergin, the day, death in the family.

INTRODUCTION OF GUESTS

Juliana Bergeron, Anne Copp, Juanita Dangel, Marilyn Huston, Abigail Sykas and Michelle Temple, guests of Rep. Hogancamp. Members of the Youth in Government Club, Student Council and CLOSE UP Program at Plymouth Regional High School, guests of Rep. Mary Cooney. Andrew Cutler, guest of Rep. Foose. Members of the New Hampshire City and Town Clerks Association, guests of the House.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended to permit the deadline of last day to report a House Bill not going to a second committee, to be moved to Thursday, March 16, 2006 for House Bill 1692, establishing the New Hampshire sexual predators act.

Adopted by the necessary two-thirds.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

REGULAR CALENDAR – PART I (CONT'D.)

HB 1611-FN, relative to reimbursement for personal care services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill will authorize the Dept. of Health and Human Services to reimburse a parent who chooses or needs to provide personal care to a minor child with special health care needs residing at home under certain circumstances. Though there were a number of concerns expressed by the committee, these concerns seemed to pale with the unanimous vote to offer this support to those parents who commit themselves, and their resources, and their lives, to care for their medically fragile sons and daughters in their own homes rather than placing their children in various institutional care settings. Though we most certainly recognize the tremendous emotional and financial commitment of parents to go this alone, we are understanding that not all parents can do this and need to help them maintain the integrity of their family. These children for the most part are already known to the system because of their special obvious medical needs, and are receiving higher level waived Medicaid services that at times may not be totally responsive to the needs of the family. Thus, this bill will allow for the continuity of services by shifting some of the already authorized monies to a mechanism of parental choice and support, overseen and evaluated by an independent entity. No reimbursement will be authorized to a parent until he or she is trained in any special care and until a quality-care plan is established and the mechanism of this process is adopted pursuant to RSA 541-A, and also reviewed and approved by the Legislative Oversight Committee on Health and Human Services. The committee, through much discussion and testimony, was concerned that this would help resolve some of the shortage of healthcare workers and this entire process has the support of the H.H.S. Commission, as they see this as the future with no additional cost to the department. As a matter of fact, the department sees this as a potential saving. This program will go to administrative rules to insure that specific guidelines are forthcoming. In the opinion of this committee, this is the right thing at the right time. Vote 17-0.

Amendment (0580h)

Amend RSA 161-I:3-a as inserted by section 2 of the bill by replacing it with the following:

161-I:3-a Authorization of Legally Responsible Relative. The department may authorize reimbursement to a parent who provides personal care to a minor child with special health care needs residing at home. Such reimbursement shall occur only when the department determines that the needs of the child, the unavailability of appropriate providers or suitable alternative care services, and cost efficiencies make utilization of a parent for the provision of such services necessary and appropriate. Reimbursement shall be limited to care that is medically necessary due to specific health needs and shall not be made for care generally expected and provided by parents to a child of similar age and developmental stage. The department shall not authorize reimbursement to a parent until a plan and rules adopted pursuant to RSA 541-A, are reviewed and approved by the oversight committee on health and human services, established in RSA 126-A:13.

Amendment adopted by the necessary two-thirds.

Committee report adopted by the necessary two-thirds.

Referred to the committee on Finance.

Rep. Itse declared a conflict of interest and did not participate.

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah J. Hogancamp for Health, Human Services and Elderly Affairs: This bill, as amended, establishes restrictions on the sale of products containing pseudoephedrine and ephedrine. These over-the-counter cold/allergy medications are the primary ingredient used in the manufacture of methamphetamine. Methamphetamine is a highly addictive illegal drug that has been around for many years. The current methamphetamine is more lethal and addictive than any produced in history. Methamphetamine can be manufactured almost anywhere, including the trunk of a vehicle. The manufacture of

methamphetamine is dangerous and can result in explosions or fires. The manufacturing process, also known as a cook, produces toxic waste, which contaminates the area of manufacture as well as where the waste is dumped. New Hampshire has the highest incidence of clandestine labs of all New England states. Since January 1, 2006, 3 labs have been found in the state; in the previous 5 years a total of 17 labs were found. The bill, as amended, allows a person to purchase 1 package, or 3 grams, of a single-entity pseudoephedrine or ephedrine product, per transaction at a pharmacy, with photographic proof of being 18 years of age. In addition, this bill, as amended, allows a person to purchase 2 single dose packages, per transaction (not more than 120mg) of single entity pseudoephedrine or ephedrine product, with photographic proof of being 18 years of age, at any retail establishment. A person wishing to purchase more than 1 package in a single transaction, at a pharmacy, may purchase up to 6 grams and is required to sign a written or electronic log maintained by the pharmacy. The log requires date and time of sale, amount of drug sold, the name and signature of the buyer. The bill, as amended bill, requires all single entity pseudoephedrine or ephedrine products be kept behind the pharmacy counter or retail counter or in a locked case where the public is not permitted. Other over-the-counter medications containing a combination of ingredients and pseudoephedrine or ephedrine are to be kept in line of sight of the store cash register and purchases are limited to 2 items per transaction. Pediatric, liquid, or gel capsules are not affected by this legislation. This bill also establishes a commission to study the feasibility of a statewide electronic log system for the tracking of illicit pseudoephedrine and ephedrine purchases. Information from other states that have experienced severe problems with clandestine methamphetamine labs, experienced a reduction in methamphetamine labs by making it more difficult to purchase the pseudo ephedrine and ephedrine products. The committee unanimously agreed this bill, as amended, is a fair measured approach to limiting access to those who would use these medications to manufacture a very dangerous, illegal drug, and providing access to those who rely on these medications for relief of cold and allergy symptoms. Vote 17-0.

Amendment (0619h)

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Sales of Certain Over-the-Counter Drugs by Retail Establishments. Amend RSA by inserting after chapter 358-R the following new chapter:

CHAPTER 358-S

SALES OF CERTAIN OVER-THE-COUNTER DRUGS BY RETAIL ESTABLISHMENTS

358-S:1 Definition. In this chapter, "over-the-counter sale" means a retail sale of a drug or product to consumers but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

358-S:2 Retail Sale Restrictions.

I. Except as provided in paragraph III, a retail establishment that offers for sale single-entity pseudoephedrine base or ephedrine base products in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a pharmacy counter where the public is not permitted and are offered for sale only by a licensed pharmacist or a registered pharmacy technician.

II. No retail establishment or individual shall transfer, sell, deliver, or provide more than 2 packages or a total of 6 grams, whichever is greater, of single-entity pseudoephedrine base or ephedrine base products, to any person per transaction.

III. A retail establishment may transfer, sell, deliver, or provide single-dose packages of single-entity pseudoephedrine base or ephedrine base products. No person shall purchase through over-the-counter sales more than 2 single-dose packages of such products or a total of 120 milligrams of such products in any single transaction. Such products shall be displayed either behind the cash register counter or in a locked display case accessible only to store employees.

IV. No retail establishment may sell in an over-the-counter sale, products containing single-entity pseudoephedrine base or ephedrine base to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age based upon the required photographic identification under RSA 358-S:3, I(a).

V. A retail establishment that offers for sale combination pseudoephedrine base or ephedrine base products shall keep these products in direct line of sight of a store cash register or store counter staffed by one or more store employees.

VI. No retail establishment or individual shall transfer, sell, deliver, or provide more than 2 packages of combination pseudoephedrine base or ephedrine base products to any person in any single transaction.

358-S:3 Requirements for Purchase.

I. Before any transfer, sale, delivery, or provision of single-entity pseudoephedrine base or ephedrine base products is made, a retail establishment shall require:

(a) Photographic identification showing the buyer's date of birth; and

(b) For any transfer, sale, delivery, or provision of more than one package or a total of 3 grams, whichever is greater, of single-entity pseudoephedrine base or ephedrine base products, a pharmacy shall maintain a written or electronic log detailing:

(1) The date and time of the sale;

(2) The amount of the drug sold;

(3) The name of the buyer; and

(4) The signature of the buyer.

II. Nothing in this section requires the buyer to obtain a prescription for the purchase of pseudoephedrine base or ephedrine base products.

358-S:4 Penalty; Reporting Required; Limitation of Liability.

I. Except as provided in paragraph III, a person who knowingly violates any provision of this chapter shall be guilty of a class A misdemeanor.

II. Any person employed by a business establishment that offers for sale pseudoephedrine base or ephedrine base products who sells such a drug to any person in a suspicious transaction shall report the transaction to the owner, supervisor, or manager of the establishment. The owner, supervisor, or manager shall report the transaction to the local law enforcement agency. A person who reports information under this paragraph in good faith is immune from civil liability relating to the report.

III. An owner, operator, supervisor, or manager of a business establishment that offers for sale products containing pseudoephedrine base or ephedrine base whose employee or agent is convicted of or charged with violating a provision of this chapter shall not be subject to the criminal penalty under paragraph I if the person:

(a) Did not have prior knowledge of, participate in, or direct the employee or agent to commit the violation; or

(b) Documents that an employee training program was in place to provide the employee or agent with information on the state and federal laws and regulations regarding methamphetamine precursor drugs.

2 Commission Established. There is established a commission to study the feasibility of establishing an electronic tracking system for sales of pseudoephedrine base and ephedrine base products.

3 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, at least one of whom shall be from the health and human services committee, appointed by the president of the senate.

(c) The commissioner of the department of health and human services, or designee.

(d) The attorney general, or designee

(e) One member representing the pharmacy board, appointed by the pharmacy board.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

4 Duties. The commission shall study the feasibility of establishing an electronic tracking system for sales of pseudoephedrine base and ephedrine base products.

5 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Six members of the commission shall constitute a quorum.

6 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 2007

II. The remainder of this act shall take effect upon its passage.

Amendment adopted by the necessary two-thirds.

Committee report adopted by the necessary two-thirds and ordered to third reading.

HB 1221-FN, relative to recovery of medical assistance from a decedent's estate. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: Among many other things, last year's HB 691 revised the provisions of RSA 167 dealing with recovery of Medicaid assistance from the estate of a deceased recipient. However, it soon became evident to the Department of Health and Human Services that the particular section involved, RSA 167:14-a, V, was defective, in particular by not providing workable methods for calculating the value of a decedent's recoverable interest in property in which he held a life estate or property he held in joint tenancy with others. There were also concerns that the section, as passed, might inadvertently have unconstitutionally impaired the vested rights of remaindermen or surviving joint tenants. The committee amendment represents its best effort to clarify the methodology and address the constitutional issues of this section in the manner least disruptive to the department's revenue projections that have previously been made based upon it. Vote 16-1.

Amendment (0631h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to recovery of medical assistance.

Amend the bill by replacing all after the enacting clause with the following:

I Recovery of Assistance from Successor Owners of Non-Probate Assets of Recipient. RSA 167:14-a, V and VI are repealed and reenacted to read as follows:

V.(a) Solely for purposes of calculating the amount of medical assistance recoverable from successor legal or beneficial owners of property interests of the recipient passing to them at the death of the recipient outside of probate, the estate of a recipient shall be deemed to include the value immediately prior to the recipient's death of the decedent's equitable interest in all property, real or personal:

(1) Held by the recipient in joint tenancy with rights of survivorship;

(2) Held by the recipient in life tenancy; or

(3) Held in a revocable trust of which the recipient was directly or indirectly a grantor to the extent of the recipient's proportionate share of contribution.

(b) No sooner than 45 days from the death of the recipient, the department shall provide the surviving joint owner, remainderman of the life estate, or trustee of the revocable trust, as the case may be, notice of the department's claim. Within 30 days of the receipt of notification of the department's claim, the surviving joint owner, remainderman, or trustee shall acknowledge receipt of the department's claim and, provided that there shall not be undue hardship imposed upon the surviving joint owner, remainderman, or beneficiary of the trust, either tender an amount equal to the deceased recipient's interest in the identified property or financial instrument to the state of New Hampshire toward the deceased's medical assistance bill, but such amount shall not exceed the total amount of medical assistance provided to the deceased recipient, or enter into a binding agreement to make such payment as soon as is practicable. If the joint owner, remainderman, or trustee refuses to acknowledge receipt of the department's claim or to tender payment or fail to fulfill the agreement to pay without good cause, as required by this paragraph, the commissioner may bring an action in superior court to compel such payment. Nothing in this paragraph shall be interpreted or applied so as to violate RSA 167:16-a, IV or 42 U.S.C. section 1396p(b)(2)(A) prohibiting recovery when the recipient is survived by a spouse, minor children, or disabled children. The department shall not compel the sale of any real estate that constitutes the primary residence of any surviving joint owner, remainderman, or trust beneficiary, or require payments that would leave any surviving joint owner, remainderman, or trust beneficiary without sufficient income or resources to maintain his or her housing.

VI.(a) Paragraph V shall not affect any real or personal property held by the recipient in sole ownership or in tenancy in common, but such property or the recipient's share thereof shall be included in the recipient's probate estate and shall be subject to claims filed by the department as a creditor in the normal course pursuant to RSA 167:14, II.

(b) Paragraph V shall apply to all specified property interests of the recipient passing to others at the death of the recipient outside of probate, where the death of the recipient occurs on or after the effective date of this act, but without regard to the date that such interests were first created; provided that it shall not apply to life estates created or reserved by the recipient:

(1) Before July 1, 2005; or

(2) Before the beginning of the period specified in RSA 167:4, I(b) during which transfers by the recipient for less than fair market value may be taken into account for purposes of determining eligibility for assistance, as such period may be limited by federal law.

(c) "Equitable interest" as used in paragraph V shall mean the legal interest of the recipient as adjusted to take into account any disproportionate contributions by any other joint tenant or by any co-grantor of a trust, and in the case of a life tenancy shall be valued in accordance with the applicable federal Social Security regulation. In the absence of evidence to the contrary, the "equitable interest" of the recipient in any real estate, or in a trust's real estate holdings, shall be presumed to be the result of reducing the equalized property tax value, as computed from the latest assessment, by any amounts owing on mortgages or for back taxes or under other liens, and dividing by the total number of co-owners of the property, including the recipient.

(d) Recovery from any remainderman shall be limited to any amount by which the value of the interest received by the remainderman, valued as of the date the interest was acquired and in accordance with the applicable Social Security regulation, exceeds any consideration given by the remainderman from the date the interest was acquired to the date of death of the recipient.

(e) Recovery from any surviving joint tenant shall be limited to any amount by which the value of the interest received by the joint tenant, valued as of the date the interest was acquired, exceeds any consideration given by the surviving joint tenant from the date the interest was acquired to the date of death of the recipient.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill restricts the department of health and human service's ability to recover the cost of medical assistance from life estates created before July 1, 2005 or created 5 years prior to the decedent's eligibility for such assistance. The bill also prohibits the department from compelling the sale of the primary residence of a surviving joint owner as part of the department's estate recovery practice.

Amendment adopted by the necessary two-thirds.

Committee report adopted by the necessary two-thirds and ordered to third reading.

HB 1677-FN, relative to the annulment of the arrest record of a person found not guilty by a jury. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Wheeler for Judiciary: The sponsor of this bill related to the committee a problem he was aware of with one individual who was denied employment in law enforcement several times because he had an arrest record that had been annulled when he was found not guilty of the accused crime. When prospective employers did background checks they were told that this individual had no record but there was something sealed in his file. This bill would do nothing to help that individual or anyone like him. The law already states that if a person is found not guilty or is not prosecuted, that person can obtain an annulment without having to pay the normal \$100.00 fee. The committee urges the sponsor to work on this issue again but with legislation that better fits the problem to be addressed. Vote 18-0.

Committee report adopted by the necessary two-thirds.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

REGULAR CALENDAR – PART I (CONT'D.)

HB 1703-FN, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edgar H. Mears for the Majority of Labor, Industrial and Rehabilitative Services: This bill will collect vital information not currently available regarding the scope of health insurance benefits provided by large employers. Anecdotal evidence shows a large disparity in access to and the level of health care benefits offered by large employers. Available data confirms that there presently is cost shifting to taxpayers, but it is not possible to determine the breadth of the problem among large employers. Collection of this data will provide policy makers another tool for setting policies to slow cost shifting of health care costs to taxpayers. This legislation would add vital data to the information already collected from large employers. This bill was supported by the Commissioner of Employment Security who stated it would provide vital statistics not presently collected at minimal cost to both the department and to employers. The majority of the committee

believes that this information is necessary to develop good public policy addressing the ongoing concerns about the diminishing availability and the ever increasing costs of health care. Vote 7-6. Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes this bill is flawed and should not be supported for the following reasons. There are only 96 employers with 500 or more employees, so the sample data would not be sufficient to provide any meaningful conclusions. The bill does not exclude the state, county, city or towns and requesting this information may be a violation of the New Hampshire Constitution under Section 28-A. The information being requested is proprietary in nature and provides the public with information that can be used by competitors, etc. Lastly, the fiscal note is undetermined as the LBA has not received the requested information from the Department of Employment Securities. Without a firm financial determination this bill should not pass the House.

Majority Amendment (0611h)

Amend the bill by replacing section I with the following:

I New Section; Reporting Guidelines for Employee Health Care Coverage. Amend RSA 282A by inserting after section 117-a the following new section:

282-A:117-b Reporting Guidelines for Employee Health Care Coverage; Definitions.

I. In this section:

(a) "Commissioner" means the commissioner of the department of employment security.
 (b) "Employee" means all individuals employed full-time or part-time directly by an employer.
 (c) "Health insurance benefits" includes payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits, as defined in section 213(d) of the Internal Revenue Code.

(d) "Health insurance costs" means the amount paid by an employer to provide health care or health insurance to employees in the state to the extent the costs may be deductible by the employer under federal tax law. The term "health insurance costs" includes payments for medical care, prescription drugs, vision care, medical savings accounts, and any other costs to provide health benefits as defined in section 213(d) of the Internal Revenue Code.

II. An employer which has 500 or more employees shall, commencing on January 1, 2007 and annually thereafter, submit on a form and in a manner approved by the commissioner:

(a) The number of employees of the employer in the state as of one day in the year immediately preceding the previous calendar year as determined by the employer on an annual basis.

(b) The number of employees eligible for health insurance benefits.

(c) The requirements employees and dependents must meet to qualify for health insurance benefits.

(d) The amount spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in the state.

(e) The percentage of payroll that was spent by the employer in the year immediately preceding the previous calendar year on health insurance costs in the state.

III. The information required under paragraph II shall:

(a) Be designated in a report signed by the principal executive officer or an individual performing a similar function; and

(b) Include an affidavit under penalty of perjury that the information required under paragraph I of this section:

(1) Was reviewed by the signing officer; and

(2) Was based on the officer's knowledge and does not contain any untrue statement of a material fact or omit a material fact necessary to make the statement made not misleading is true to the best of the signing officer's knowledge, information, and belief.

IV. When calculating the percentage of payroll under paragraph II, an employer may exempt:

(a) Wages paid to any employee beyond the amount taxable for federal Social Security (FICA) purposes;

(b) Wages paid to an employee who is enrolled in or eligible for Medicare; and

(c) Wages paid to an employee who is a seasonal worker or works less than 90 days a year.

V. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The content of any forms required under this subdivision.

(b) Further information which may be required under paragraph II of this section.

VI. On or before March 15 of each year, the commissioner shall make a report to the general court and the governor relative to:

- (a) The name of each nonprofit and for profit employer with 500 or more employees in the state.
- (b) The employer's definition of full-time employee and part-time employee.
- (c) The number of full-time employees.
- (d) The number of full-time employees eligible to receive health insurance benefits.
- (e) The number of full-time employees receiving health insurance benefits from the employer.
- (f) The source of health insurance benefits for those eligible full-time employees not receiving health insurance benefits through an employer subject to reporting under this subdivision.
- (g) The number of part-time employees.
- (h) The number of part-time employees eligible to receive health insurance benefits.
- (i) The number of part-time employees receiving health insurance benefits from the employer.
- (j) The source of health insurance benefits for those eligible part-time employees not receiving health insurance benefits through an employer subject to reporting under this subdivision.

AMENDED ANALYSIS

This bill requires employers with 500 or more employees to report to the commissioner of the department of employment security on the percentage of payroll which is being spent on health insurance premiums for employees. The bill grants rulemaking authority to the commissioner of the department of employment security for the purposes of the bill.

Rep. Bridle spoke against.

Rep. Walz spoke in favor.

Rep. Infantine spoke against and yielded to questions.

On a division vote, 136 members having voted in the affirmative and 179 in the negative, the majority committee amendment failed.

The question now being adoption of the motion of Ought To Pass.

Rep. O'Neil spoke against.

Rep. DeJoie moved Recommit.

LAIED ON TABLE

Rep. Soltani moved that **HB 1703-FN**, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees, be laid on the table. On a division vote, 179 members having voted in the affirmative, and 146 members in the negative, HB 1703 was laid on the table.

REGULAR CALENDAR – PART I (CONT'D.)

HB 1102, allowing municipalities to adopt a property tax credit for homeowners supporting a disabled adult child in the home. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurie J. Boyce for the Majority of Municipal and County Government: The committee has heard testimony about needs that a family faces when a disabled adult child lives at home. The majority of the committee is sympathetic to those needs but also has a longstanding policy to find balance for our local municipalities. The federal Government offers the Medicaid program to help fund the needs of a disabled adult child. An individual who is on Medicaid and whose developmentally disabled services are being funded through Medicaid is also able to access other services offered through the New Hampshire State Medicaid plan, such as physicians and nursing services, prescription drug costs, rehabilitative and optometrist services and emergency hospital services, if needed. These acute care services may be used to complement the long-term care services that the individual receives from the developmentally disabled service system. The local selectmen are able to abate taxes for "just cause" by a majority vote of the board. The sponsor of the bill requested that a credit be given to the homeowners that support a disabled adult child in the home. The definition of a "disabled adult child" was not included in the bill, which even the sponsor acknowledged needs to be defined. Since there is already funding available and since the committee does not have adequate time to "fix" this bill because of its workload, the committee felt that this issue can be introduced when the sponsors address the concerns raised. Vote 12-6.

Rep. Stephen G. Pritchard for the Minority of Municipal and County Government: This bill will allow, not require, a municipality to give property tax credit to a homeowner who supports a se-

verely disabled adult child in their home. For a single, employed parent-homeowner to accomplish this task 24/7, a heroic and too often thankless commitment of their whole life is required. While they may receive some medical and financial help for wheelchair accessibility or special vans, the overall emotional and financial burdens can be almost unbearable. We give tax credits to veterans and the elderly and rightly so. If those parents were not providing this immeasurable humanitarian service, the state or county nursing home would have to provide it at costs up to \$150,000 a year. While this act, if adopted by a municipality, would ask other homeowners to share in the care of the disabled it would actually translate into pennies per household to fulfill what is in fact a moral imperative to care for our neighbors who very much need our help.

On a division vote, 203 members having voted in the affirmative and 120 in the negative, the majority committee report was adopted.

Reps. Itse and Carson declared a conflict of interest and did not participate.

HB 1632, relative to qualifications for the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill looks to raise the minimum income, asset and exemption levels for elderly exemptions that a municipality may enact. Currently, the vast majority of towns and cities in the state already have income asset and exemption levels above the existing minimums and communities that wish to raise their minimum levels may do so by a majority vote of the legislative body. What this bill addresses is already available through local means and changing the minimums would in fact reduce local control. Vote 14-4. Committee report adopted.

HB 1698-FN-A-L, relative to determination of town's share on county taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for Municipal and County Government: This bill provides a new formula for apportioning the county tax obligation among the towns and cities in each county. Currently, the county tax is apportioned based on the equalized valuation of each municipality within the county. The new formula would make reductions to the apportionment based on population and general municipal government taxes. The amount of these reductions would not be included in the county tax warrant to the towns, but would be made up by payments from state funds. The bill would reduce the amount of county tax apportioned to some municipalities by an indeterminate amount depending on the amount of the municipality's county tax share according to equalized valuation, the municipality's population, and the size of the municipality's general government taxes. The majority of the committee understands that this change in formula will create a situation that will not only be challenged legally, but potentially create greater inequities between towns and cities in a county. Vote 12-4.

Committee report adopted.

HB 1734-FN-A-L, establishing a homestead exemption for seniors against the statewide enhanced education tax and a tax cap credit for seniors against local and state property taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Eric G. Stohl for the Majority of Municipal and County Government: This bill establishes a homestead exemption for persons 65 years of age and older against the statewide enhanced education tax and a tax cap credit for persons 65 years of age and older against local and state property taxes. The intention of the sponsor is an honorable one, in the fact that, citizens of this state that have reached age 65 should have assistance with their property taxes. This bill addresses an exemption of \$100,000 of assessed value of a person's residence against the statewide education tax and a tax cap credit which is greater than five percent of the statewide and local property taxes owed by the owner against local and state property taxes. This bill is not means tested, so someone with great wealth would also be able to receive these benefits. Municipalities now have the ability to exempt property taxes for persons that are blind and disabled. The Department of Revenue Administration states that New Hampshire has 101,849 households with a person 65 years of age or older residing in it. The total assessed value that would be reduced as a result of this bill would be \$587,408,732 resulting in a tax shift of approximately \$14,119,392. The committee feels these two additional property tax exemptions that add to the cost shifting that takes place as a result of any exemption would not be in the best interests of the state as a whole. Vote 14-5.

Rep. Nancy K. Johnson for the Minority of Municipal and County Government: The minority recognizes that there are some minor flaws with the bill. The inherent inequity of the property tax is what requires many seniors living on a fixed income to decide between paying their property taxes and buying groceries and medications. With the increasing burden of oil and gas prices, the minority believes that, at some point many seniors will lose the homes they have spent their lives paying for. Rep. Espiefs spoke against and yielded to questions.

Rep. Stohl spoke in favor.

Rep. Espiefs requested a roll call; sufficiently seconded.

YEAS 182 NAYS 144

YEAS 182

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Nedea, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Dickinson, Howard
Knox, J David	Martin, James	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Butcher, Suzanne	Dexter, Judson	Hunt, John	Pelkey, Stephen
Sawyer, Sheldon			

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Andersen, Gene	Eaton, Stephanie	Ingbretson, Paul	Mirski, Paul
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
DeVries, Betsi	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Ginsburg, Ruth	Golding, William	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Mead, Robert	O'Brien, William
O'Connell, Timothy	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Shattuck, Gilman
Slocum, Lee	Smith, David	Souza, Kathleen	Stepanek, Stephen
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Danforth, James
DeStefano, Stephen	Field, William	Hager, Elizabeth	Hess, David
Kennedy, Richard	Kidder, David	Klose, John	Lockwood, Priscilla
Marple, Richard	Maxfield, Roy	Oliver, James	Reardon, Tara
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Francoeur, Sheila	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Moore, Benjamin	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Palazzo, Frank	Parker, Benjamin
Quandt, Marshall Lee	Rausch, James	Robertson, Carl	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Winchell, George

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Callaghan, Frank	Campbell, W Packy	Chaplin, Duncan	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	Keans, Sandra	Knowles, William
Newton, Clifford	Smith, Marjorie		

SULLIVAN

Cloutier, John	Gale, Harry	Irish, Christopher	Osgood, Philip Sr
Rodeschin, Beverly			

NAYS 144**BELKNAP**

Heald, Bruce	Morrison, Gail
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CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter	Butynski, William	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Merrick, Scott	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Bleyler, Ruth	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Carter, Mark	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Dyer, Donald	Essex, David	Foster, Linda	Gibson, John
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara
Hall, Betty	Harvey, Suzanne	Hirschmann, Keith	Holden, Randolph
Jean, Claudette	Judy, Jean	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Mooney, Maureen	Movsesian, Lori	Ober, Lynne	Palangas, Eric
Rosenwald, Cindy	Ross, Lawrence	Shaw, Barbara	Shaw, Kimberly
Sullivan, Francis	Sullivan, Peter	Tahir, Saghir	Velez, Hector

MERRIMACK

Blanchard, Elizabeth	Clarke, Claire	DeJoie, John	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Langlais, Thomas
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
DiFruscia, Anthony	Flanders, John Sr	Flockhart, Eileen	Gilbert, Karl
Gould, Kenneth	Kobel, Rudolph	Langley, Jane	McKinney, Betsy
Moody, Marcia	Norelli, Terie	Packard, Sherman	Pantelakos, Laura
Powers, James	Priestley, Anne	Quandt, Matthew	Robinson, John
Splaine, James	Weldy, Norman	Wells, Roger	

STRAFFORD

Brown, Lawrence	Cataldo, Sam	Creteau, Irene	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Snyder, Clair	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Converse, Larry	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen	

and the majority committee report was adopted.

HB 1737-FN-A, establishing a beverage fee to be paid by beverage manufacturers and distributors. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marcia G. Moody for the Majority of Resources, Recreation and Development: The majority opinion is to create an interim study on this bill which establishes a fee to be paid by beverage manufacturers and distributors on beverages sold for resale in this state. The committee felt that new sources of revenue are urgently needed to support much needed programs rather than relying on revenues taken from the general fund. Before debate continues, the committee feels that elements contained in this bill need to be clarified by further study. Programs that need funding contained in this bill include LCHIP, dam maintenance, SAFE Drinking Water, Water Resources and Water Supply Protection Programs as well as River Management and Protection. Further study will provide additional material that would allow the committee to make an informed decision. Vote 12-5.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: The minority of the committee believe that placing a new tax on soda and bottled water products is unfair and further erodes the New Hampshire tax advantage. This legislation will not address funding of the priorities that the committee has identified like dam maintenance, in-stream flow studies, water uses registration, LCHIP, state water resource mapping and water conservation in this fiscal year. The vast majority of the millions of new revenue dollars raised by this new tax will go to programs not related to protecting water resources and the minority believes that those issues relating to our water resources should be addressed in the budget process which is slated to begin in January of 2007.

Rep. O'Neil spoke against.

Rep. Richard Cooney spoke in favor.

Rep. Gibson spoke against and yielded to questions.

Rep. Chaplin spoke in favor.

Rep. Richard Cooney requested a roll call; sufficiently seconded.

YEAS 119 NAYS 207**YEAS 119****BELKNAP**

Morrison, Gail	Pilliod, James	Russell, David
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CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Dickinson, Howard
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Merrick, Scott	Remick, William
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GRAFTON

Aguiar, James	Andersen, Gene	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	

HILLSBOROUGH

Beaulieu, Jane	Cote, Peter	Desmarais, Vivian	Essex, David
Ginsburg, Ruth	Goley, Jeffrey	Hall, Betty	Harvey, Suzanne
Kopka, Angeline	Kurk, Neal	Messier, Irene	O'Connell, Timothy
Pilote, Maurice	Shattuck, Gilman	Shaw, Kimberly	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Hamm, Christine
Kennedy, Richard	Lockwood, Priscilla	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Tilton, Joy	Tupper, Frank	Walz, Mary Beth	Yeaton, Charles

ROCKINGHAM

Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard	Flockhart, Eileen
Gould, Kenneth	Ingram, Russell	Johnson, Robert	Langley, Jane
Moody, Marcia	Norelli, Terie	Pantelakos, Laura	Powers, James
Robinson, John	Wells, Roger		

STRAFFORD

Bickford, David	Brown, Julie	Brown, Lawrence	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Snyder, Clair
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Prichard, Stephen	

NAYS 207**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Brown, Carolyn	Chandler, Gene	Knox, J David	Martin, James
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Theberge, Robert

Lary, Bruce
Tholl, John Jr

Richardson, Herbert

Stohl, Eric

GRAFTON

Almy, Susan
Mirski, Paul

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond
Ward, John

Ingbretson, Paul
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Campbell, David
Christensen, D L Chris
Cote, David
DeVries, Betsi
Elliott, Nancy
Gibson, John
Graham, John
Hellwig, Steve
Infantine, William
Johnson, Paula
Manney, Pamela
Movsesian, Lori
Price, Pamela
Rowe, Robert
Smith, David
Sullivan, Peter
Velez, Hector

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carew, James
Christiansen, Lars
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Golding, William
Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Matarazzo, Anthony Sr
O'Brien, William
Reeves, Sandra
Ryder, Donald
Souza, Kathleen
Tahir, Saghir
Villeneuve, Maurice

Balboni, Michael
Biundo, Michael
Buhlman, David
Carter, Mark
Clark, Mark
Craig, James
Drisko, Richard
Foster, Linda
Gorman, Mary
Hansen, Ryan
Hirschmann, Keith
Jean, Claudette
Lasky, Bette
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Ulery, Jordan
Wheeler, James

Baroody, Benjamin
Boehm, Ralph
Calawa, Leon Jr
Chase, Claudia
Clemons, Jane
Crane, Elenore Casey
Dyer, Donald
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Jeudy, Jean
Lawrence, James
Mooney, Maureen
Palangas, Eric
Rosenwald, Cindy
Slocum, Lee
Sullivan, Francis
Vaillancourt, Steve
Wheeler, Robert

MERRIMACK

Anderson, Eric
Kidder, David
Maxfield, Roy
Williams, Robert

Danforth, James
Klose, John
Oliver, James

Field, William
Langlais, Thomas
Ryan, Jim

Hess, David
Marple, Richard
Shurtleff, Stephen

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Cady, Harriet
Coburn, James
Dowd, John
Flanders, John Sr
Gilbert, Karl
Itse, Daniel
Lund, Howie
Morris, Richard
Palazzo, Frank
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Allen, Mary
Bishop, Franklin
Camm, Kevin
Dalrymple, Janeen
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Katsakiores, George
Major, Norman
Nowe, Ronald
Parker, Benjamin
Rausch, James
Scamman, Stella
Weare, E Albert
Winchell, George

Belanger, Ronald
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Priestley, Anne
Robertson, Carl
Splaine, James
Welch, David

Bettencourt, David
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Fesh, Bob
Garrity, James
Hughes, Daniel
Kobel, Rudolph
Moore, Benjamin
Packard, Sherman
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Weldy, Norman

STRAFFORD

Albert, Russell
Cataldo, Sam

Berube, Roger
Dunlap, Patricia

Callaghan, Frank
Newton, Clifford

Campbell, W Packy

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Phinzy, James

Rodeschin, Beverly

and the majority committee report failed.

Rep. Gibson moved Inexpedient to Legislate.

Motion adopted.

Rep. Soltani declared a conflict of interest and did not participate.

HB 1470, relative to overweight vehicle permit fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James W. Danforth for Transportation: This bill will update the overweight vehicle permit fees. These fees were last addressed in 1982. This small increase will bring us up to date to cover the administrative costs for issuing these permits. Vote 14-0.

Amendment (0790h)

Amend the bill by replacing section I with the following:

I Special Permit Fees. Amend RSA 266:22, I-IV to read as follows:

I. Each permit for either over-length, over-width or over-height or any combination thereof, ~~[\$5] 9~~;II. Each permit for vehicle and load over-weight, fee based on the following schedule: vehicle and load over registered weight but not exceeding 50,000 pounds, ~~[\$5] 7~~; 50,001 pounds to 60,000 pounds, ~~[\$6] 8~~; 60,001 pounds to 70,000 pounds, ~~[\$7] 9~~; 70,001 pounds to 80,000 pounds, ~~[\$8] 10~~; 80,001 pounds to 90,000 pounds, ~~[\$9] 11~~; 90,001 pounds to 100,000 pounds, ~~[\$10] 12~~; and for each additional 10,000 pounds \$2 shall be added to the above rate;III. Provided a special permit may be issued to a person to cover all types of moves made within a radius of 100 miles from the person's home location for a fee of ~~[\$50] 75~~ for each unit. Permits issued under the provisions of this paragraph may be issued for such time as the commissioner of transportation may determine.IV. Provided further that a special annual permit may be issued to a person to cover all types of moves for a fee of ~~[\$100] 150~~ for each unit. Each permit issued under the provisions of this paragraph shall be issued for one year;**AMENDED ANALYSIS**

This bill changes the special permit fee amounts.

Amendment adopted.

Committee report adopted.

Referred to the committee on Ways and Means.

HB 1705-FN, relative to limited driving privileges for certain persons whose licenses have been revoked or suspended. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brenda L. Ferland for the Majority of Transportation: This bill would have allowed limited driving privileges to persons who have lost their license for drunk driving. The majority of the committee feels there is no way to regulate that the violator, if given the privilege to drive to and from work, would adhere to those stipulations. The committee felt that if a license is that, then offenders should think before they drink and drive. Vote 9-4.

Rep. Jennifer M. Brown for the Minority of Transportation: This bill would allow someone who has lost their license the ability to keep their job or go to rehab. Someone who has lost their license for the first time should not also have to lose their job for not being able to get there. This bill includes circumstances under which this limited privilege would not be offered.

Majority committee report adopted.

(Deputy Speaker Weyler in the Chair)**HB 1457-FN-A-L**, establishing an electricity transmission utility property tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. John H. Thomas for the Majority of Ways and Means: Portions of the revenues raised would be dedicated to certain funds. The bill has far reaching repercussions on a regional (New England) basis, such as law suits from other states and uncertainties in the allowance policies of three regulatory organizations, FERC, Federal Energy Regulatory Commission; ISO-NE, Independent Sys-

tem Operator for New England; and NECPUC, New England Conference of Public Utility Commissions. In addition, there were also many policy issues unanswered, because in the past these issues have gone to the Science, Technology and Energy Committee. Vote 12-8.

Rep. John M. Pratt for the Minority of Ways and Means: The House should understand that killing this bill takes \$10 million of new funds, mostly coming from out of state sources, entirely off the table. A far wiser course, we suggest, would be to send this bill to Interim Study where a joint committee of members both from Science and Technology and from Ways and Means could examine carefully the scientific and fiscal implications of this highly innovative approach to taxing high voltage transmission lines, lines which supply electricity primarily to the lower New England states. Such a committee's work would be invaluable to the next House when it again takes this measure up.

Reps. Pratt and Kurk spoke against.

Reps. Parker and Thomas spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 178 NAYS 145

YEAS 178

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Ingbreton, Paul	Mirski, Paul
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Infantine, William
Jasper, Shawn	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
DeJoie, John	Field, William	Kennedy, Richard	Kidder, David
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Oliver, James	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Lund, Howie	Major, Norman	McKinney, Betsy	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Scamman, W Douglas	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Winchell, George	

STRAFFORD

Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Newton, Clifford		

SULLIVAN

Gale, Harry	Irish, Christopher	Rodeschin, Beverly
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NAYS 145**BELKNAP**

Morrison, Gail	Pilliod, James
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CARROLL

Buco, Thomas	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Merrick, Scott	Remick, William	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Crane, Elenore Casey	Dokmo, Cynthia	Essex, David	Foster, Linda
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Jean, Claudette	Judy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Movsesian, Lori	Palangas, Eric	Pilotte, Maurice
Rosenwald, Cindy	Ryder, Donald	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Sullivan, Francis	Sullivan, Peter	Velez, Hector
Wheeler, Robert			

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Hager, Elizabeth

Hamm, Christine
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Hess, David
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
DiFruscia, Anthony
Moody, Marcia
Robertson, Carl

Bishop, Franklin
Flockhart, Eileen
Norelli, Terie
Robinson, John

Casey, Kimberley
Johnson, Robert
Pantelakos, Laura
Splaine, James

Cooney, Richard
Langley, Jane
Powers, James
Wells, Roger

STRAFFORD

Berube, Roger
Callaghan, Frank
Heon, Richard
Kaen, Naida
Rollo, Michael
Snyder, Clair

Bickford, David
Creteau, Irene
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Julie
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Osgood, Philip Sr

Ferland, Brenda
Phinizz, James

and the majority committee report was adopted.

(Speaker Scamman in the Chair)

HB 1651-FN-A-L, repealing the statewide enhanced education tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John M. Pratt for the Majority of Ways and Means: The majority believes that the statewide enhanced education tax is the vehicle the legislature has enacted over the past decade to meet the constitutional requirements imposed by the Supreme Court in the Claremont case. In any discussion of elimination, the statewide enhanced education tax should be thoroughly studied because this tax plays an important role in the calculation of grants to New Hampshire communities. The state funds a low and moderate income property tax relief program, which would be eliminated under this legislation. This program currently makes \$5,000,000 available annually to those taxpayers statewide. HB 100, which passed the House on January 4, 2006, was a technical correction that eliminated all donor communities. Abolishing the statewide enhanced education tax at this time could expose the legislature to the possible charge of defiance or disregard of the court's ruling. It would also alter the funding formula, thereby creating uncertainty within the communities and take away a relief program from our most vulnerable citizens. Vote 16-4.

Rep. Jim Ryan for the Minority of Ways and Means: This bill repeals the statewide enhanced education tax, without making any changes in the way the state distributes grants to local school districts in support of public education; nor does the bill affect the state's case in the latest challenge to the education funding law that is pending before the Supreme Court. The minority amendment makes a minor change to the bill, to ensure that the calculation of the grants remains consistent with the intent of the current law. With the elimination of donor towns last session, the statewide property tax is merely window dressing and serves no legitimate function other than to artificially inflate the state's overall commitment to funding an adequate education. Of the \$836 million in state aid for public education in FY 2006, only \$473 million is actual state revenue that is deposited in the treasury and distributed in the forms of grants to local school districts. The remainder, \$363 million raised by the enhanced education tax, is a state tax and is raised locally and spent locally. This bill puts an end to the sham, and sends an honest message to the taxpayers about New Hampshire's real commitment to public education.

Rep. Mirski spoke against.

Rep. Camm spoke in favor.

Majority committee report adopted.

BILL REMOVED FROM CONSENT CALENDAR

HB 1624-FN, relative to boat noise. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen H. Nedeau for Transportation: Currently the method used for testing boat noise is at 50 feet. This is very impractical and difficult to enforce. The bill would allow a second testing procedure SAEJ2005. This test would be performed at four feet, not 50 feet, from the rear of the boat making it more practical to enforce the boat noise statute. The bill also increases the fines. Vote 13-0.

Amendment (0351h)

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Claudia Chase spoke in favor.

Committee report adopted.

Referred to the committee on Criminal Justice and Public Safety.

REGULAR CALENDAR**SPECIAL ORDERS**

HB 1557, establishing guidelines for leaving children home alone and establishing babysitter age guidelines. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen K. McRae for Children and Family Law: The committee was sympathetic to the problem presented but felt that the enforcement was difficult, if not impossible. Vote 12-1.

Rep. Lars Christiansen spoke against.

Rep. Cady spoke in favor.

Committee report adopted.

HB 1125, relative to the filing period for candidates in the presidential primary. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James R. Splaine for the Majority of Election Law: This legislation permits the secretary of state to change the filing period for candidates running in the New Hampshire presidential primary at a time that he decides is necessary to ensure our lead-off status. Current law requires the secretary of state to accept filings during a period of the first Monday in November through the third Friday in November. To provide more flexibility to the secretary of state in administering our First In the Nation Presidential Primary Law, this bill allows that filing period to be moved earlier, or later, as he may decide is necessary to respond to any threat to our lead-off status from other states or by any of the national political parties. The amendment clarifies the language of the statute. It is the belief of the committee that passage of this legislation will greatly enhance our protection of the importance, relevance, and "first" status which New Hampshire has had since 1916 in the national presidential selection process. With approval of this bill, all states and the national political parties should be put on notice that New Hampshire will do what is necessary to preserve our tradition. The governor and the secretary of state also strongly endorse this legislation. Vote 15-2.

Rep. William L. O'Brien for the Minority of Election Law: This bill seeks to address a situation created by a national democrat commission having voted to do away with New Hampshire's first in the nation primary status. During committee hearings and work sessions on this bill, the sponsor and democratic leadership were asked if they were confident that this bill will solve the problems and if the impression on when presidential candidates are to file would not be cited by democrat presidential candidates as being so arbitrary and capricious that they could award New Hampshire presidential primary. The response we received was that they are confident that the legislation "does a job" and "sends a message," but they did not say either that the legislation would solve the problem created by the democrat commission or the legislation would not be used by democrat candidates for not participating in New Hampshire's presidential primary. Before we change New Hampshire laws to accommodate national party assaults on New Hampshire's presidential primary, we ought to be assured that the change will defend the state against the assault and not be used against the state.

Majority Amendment (0445h)

Amend the bill by replacing section 1 with the following:

I. Presidential Nominations; Declaration of Candidacy; Filing Period. Amend RSA 655:47, II to read as follows:

II. Declarations of candidacy shall be filed between the first Monday in November and the third Friday in November, *or during such other time period as the secretary of state shall announce.*

AMENDED ANALYSIS

This bill permits the secretary of state to change the filing period for candidates at the presidential primary.

Rep. Splaine spoke in favor.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1222-FN, relative to unlawful voting. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Forsing for the Majority of Election Law: This bill makes it a Class B felony to vote in more than one state in the same election. This bill clarifies existing law that now prohibits an individual from voting more than once for any office or measure in the same election. As a practical matter, the bill allows the marking of a checklist by an election official, for a voter, to be sufficient evidence that a voter voted in that election, although it does not shift the burden of proof from the state in any criminal prosecution. The attorney general's office spoke in favor of the bill at the public hearing. Vote 11-6.

Rep. Charles F. Weed for the Minority of Election Law: We believe that existing law already forbids voters casting ballots in the same election in different states. We support underlining our commitment to the integrity of New Hampshire elections, if that is the intent of the sponsor. But we feel it goes too far when it uses the term *prima facie* evidence as defined, "sufficient to establish a fact or raise a presumption unless disproved or rebutted." We believe this may, in some jurisdictions, shift the burden to prove innocence to the accused. The burden of proof of guilt beyond a reasonable doubt must remain unequivocally with the state.

Rep. Vaillancourt offered floor amendment (0956h).

Floor Amendment (0956h)

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, II to read as follows:

II. *A person is guilty of a class B felony if, at any election, such person purposefully or knowingly commits an act specified in subparagraph 1(b).* A person is guilty of a class A misdemeanor if, at any election, such person purposefully or knowingly commits any of the *other* acts listed in paragraph I.

Reps. Vaillancourt and Whalley spoke in favor.

Floor amendment (0956h) adopted.

The question now being adoption of the committee report as amended.

Rep. Weed spoke against and yielded to questions.

Rep. O'Brien spoke in favor.

Committee report as amended adopted and ordered to third reading.

HB 1286, authorizing the secretary of state to initiate recounts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph G. Boehm for the Majority of Election Law: This bill would authorize the secretary of state to initiate a recount and conduct random audit recounts. The current recount procedure works well. This bill will cause confusion as to the outcome of some elections and may cause a lack of finality in declaring election results. Vote 11-5.

Rep. James R. Splaine for the Minority of Election Law: This bill would authorize the secretary of state to initiate a recount when there is evidence that the election night count may be inaccurate. It also authorizes the secretary of state to conduct random audit recounts. The

minority believes the integrity and creditably of the election process is enhanced when there is assurance that all ballots are counted accurately. While 50% of the democratic process of voting is to ensure that all qualified voters can vote, 50% of the process is to guarantee the ballots are accurately counted.

Rep. Splaine spoke against.

Majority committee report adopted.

CACR 31, relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. **INEXPEDIENT TO LEGISLATE.**

Rep. Nelson S. Allan for Executive Departments and Administration: This constitutional amendment concurrent resolution removes the attorney general from the list of state officers nominated and appointed by the governor and council. It provides for the attorney general to be elected for the same term and in the same manner as the governor. This bill would inject the attorney general into the biennial political election process similar to the governor and with its attendant distractions and expense. An already weak executive branch would be further weakened with this resolution and politicize the attorney general's office. The current attorney general and a long line of attorneys general have opposed this change. In the traditional New Hampshire way, "if it ain't broke, don't fix it" was the decision at the committee executive session. Vote 17-0.

Reps. DiFruscia and Soltani spoke against.

Rep. Nelson Allan spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 217 NAYS 91

YEAS 217

BELKNAP

Clark, Charles	Fitzgerald, James	Flanders, Donald	Millham, Alida
Nedeau, Stephen	Pilliod, James	Russell, David	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Chase, William	Dexter, Judson	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espieffs, Peter	Footte, Sheila
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Aguiar, James	Almy, Susan	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela

Craig, James
Drisko, Richard
Foster, Linda
Gorman, Mary
Hirschmann, Keith
Judy, Jean
Lasky, Bette
Matarazzo, Anthony Sr
Pilote, Maurice
Rowe, Robert
Slocum, Lee
Sullivan, Francis

Desmarais, Vivian
Elliott, Nancy
Francoeur, Bea
Hansen, Ryan
Infantine, William
Kopka, Angeline
Lawrence, James
Messier, Irene
Price, Pamela
Ryder, Donald
Smith, David
Tahir, Saghir

DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Harvey, Suzanne
Jasper, Shawn
Kurk, Neal
Manney, Pamela
Movsesian, Lori
Reeves, Sandra
Shattuck, Gilman
Souza, Kathleen
Wheeler, James

Dokmo, Cynthia
Essex, David
Goley, Jeffrey
Hawkins, Ken
Jean, Claudette
L'Heureux, Robert
Martin, John Ellen
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Kimberly
Stepanek, Stephen

MERRIMACK

Anderson, Eric
Danforth, James
Hager, Elizabeth
Langlais, Thomas
Osborne, Jessie
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Lockwood, Priscilla
Potter, Frances
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
French, Barbara
Hess, David
Maxfield, Roy
Reardon, Tara
Wallner, Mary Jane

Clarke, Claire
Gile, Mary
Kidder, David
Oliver, James
Rush, Deanna
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Dowd, John
Flockhart, Eileen
Gould, Kenneth
Johnson, Robert
Major, Norman
O'Neil, Michael
Parker, Benjamin
Robinson, John
Stone, Joseph
Winchell, George

Belanger, Ronald
Charron, Gene
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Priestley, Anne
Rolston, James
Waterhouse, Kevin

Camm, Kevin
Coburn, James
Fesh, Bob
Francoeur, Sheila
Hughes, Daniel
Langley, Jane
Moody, Marcia
Palazzo, Frank
Rausch, James
Sanders, Elisabeth
Weare, E Albert

Carson, Sharon
Dalrymple, Janeen
Flanders, John Sr
Garrity, James
Ingram, Russell
Lund, Howie
Norelli, Terie
Pantelakos, Laura
Robertson, Carl
Scamman, Stella
Welch, David

STRAFFORD

Albert, Russell
Creteau, Irene
Hilliard, Dana
Knowles, William
Rous, Emma

Berube, Roger
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Schmidt, Peter

Bickford, David
Dunlap, Patricia
Johnson, Nancy
Newton, Clifford
Taylor, Kathleen

Callaghan, Frank
Grassie, Anne
Kaen, Naida
Rollo, Michael
Wall, Janet

SULLIVAN

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Irish, Christopher

Franklin, Peter
Osgood, Philip Sr

Gale, Harry
Prichard, Stephen

NAYS 91

BELKNAP

Allen, Janet

Boyce, Laurie

Morrison, Gail

Rosen, Ralph

CARROLL

CHESHIRE

Butcher, Suzanne
Roberts, Kris

Butynski, William
Weed, Charles

Coates, Christopher

Pratt, John

Olimpio, J Lisbeth

COOS

Merrick, Scott

GRAFTONGionet, Edmond
Solomon, PeterHammond, Lee
Sorg, Gregory

Ingbretson, Paul

Mirski, Paul

HILLSBOROUGHBeaulieu, Jane
Christiansen, Lars
Gibson, John
Hagan, Barbara
Holden, Randolph
Ober, Lynne
Ulery, JordanBergeron, Jean-Guy
Clark, Mark
Golding, William
Hall, Betty
Johnson, Paula
Renzullo, Andrew
Vaillancourt, SteveCampbell, David
Crane, Elenore Casey
Goyette, Peter Jr
Hellwig, Steve
Mead, Robert
Shaw, Barbara
Villeneuve, MauriceChase, Claudia
Dyer, Donald
Graham, John
Hinkle, Peyton
Mooney, Maureen
Sullivan, Peter**MERRIMACK**Blanchard, Elizabeth
Kennedy, Richard
Shurtleff, StephenDeJoie, John
Klose, John
Soltani, TonyField, William
Marple, RichardFoosse, Robert
Ryan, Jim**ROCKINGHAM**Allen, Mary
Bridle, Russell
Cooney, Richard
Gilbert, Karl
Kobel, Rudolph
Quandt, Marshall Lee
Wells, RogerBettencourt, David
Buxton, Donald
DiFruscia, Anthony
Hopfgarten, Paul
Morris, Richard
Quandt, Matthew
Weyler, KennethBicknell, Elbert
Cady, Harriet
Donahue, Richard Ken
Itse, Daniel
Nowe, Ronald
Splaine, JamesBishop, Franklin
Cali-Pitts, Jacqueline
Dumaine, Dudley
Katsakiores, Phyllis
Powers, James
Weldy, Norman**STRAFFORD**Brown, Julie
Heon, RichardBrown, Lawrence
Keans, SandraCataldo, Sam
Smith, Marjorie

Chaplin, Duncan

SULLIVANCloutier, John
and the committee report was adopted.

Donovan, Thomas

Phinizy, James

REFERRAL TO COMMITTEE WITHDRAWN

Rep. Major moved that the referral to the committee on Ways and Means of **HB 1679-FN-L**, relative to the taxation of nongovernmental uses of university system property, be withdrawn.

Adopted.

Ordered to third reading.

REGULAR CALENDAR**SPECIAL ORDERS (CONT'D.)**

HB 1183, relative to the terms of office for state department commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Anne-Marie Irwin for Executive Departments and Administration: This bill sought to establish two-year terms for all department commissioners and the executive director of fish and game department. While the committee appreciated the sponsor's intention to make terms uniform, it does not seem prudent for every commissioner's term to begin and end simultaneously every two years. Vote 15-1.

Rep. Kennedy spoke against and yielded to questions.

Rep. Hawkins spoke in favor.

On a division vote, 228 members having voted in the affirmative and 60 in the negative, the committee report was adopted.

HB 1456-FN, relative to licensure of septic system inspectors. **INEXPEDIENT TO LEGISLATE.**
Rep. James B. Coburn for Executive Departments and Administration: This bill would require that septic system inspectors obtain a license from the Department of Environmental Services. The committee felt that the proposed legislation dealt more with consumer protection than public safety. There appeared to be only one organization in the state dealing with standards for this profession. There didn't seem to be much, if any, consumer abuse that licensing would cure. The committee saw no significant public benefit to the proposed licensing. Vote 14-0.

Rep. Dalrymple moved Recommit to committee and spoke in favor.

Motion adopted.

Recommitted to the committee on Executive Departments and Administration.

HB 1108, relative to the transfer of funds among PAU's within a department. **OUGHT TO PASS.**
Rep. Elizabeth S. Hager for Finance: This bill is a small step in removing the legislature from micro-management of state agencies. It allows transfer of up to \$2,500 among PAUs in a given budget without Fiscal Committee approval. It will save money in both time and paperwork. Vote 22-0. Committee report adopted and ordered to third reading.

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth S. Hager for the Majority of Finance: This important bill places last year's state surplus into the revenue stabilization reserve account (rainy day fund). The majority of the committee agreed with the sponsor, the state treasurer and the governor that it should be a legislative priority to start to bring the rainy day fund up to an agreed to, basic level of 5% of general fund revenues. In addition, the majority believes if there is a need for any funding this year, current revenues are potentially available. Vote 13-9.

Rep. Marjorie K. Smith for the Minority of Finance: The unofficial FY 2005 surplus exceeds \$80 million of money already in hand. So far this year we have had two emergencies – fuel assistance and prescriptions for seniors, which we addressed. Other emergencies are out there, some of which we already know about including the state response to the floods in the south-west portion of the state. The minority would like to reserve \$10 million of the 2005 surplus to address crises. If the money is not spent by the end of the year it could then go into the rainy day account. While FY 2006 figures currently indicate a \$43 million surplus, we cannot now be sure what the final 2006 surplus will be. The minority amendment reserves \$10 million of the existing \$80 million surplus as a responsible way to provide for emergencies while honoring our fiduciary responsibility.

Rep. Marjorie Smith offered minority committee amendment (0393h).

Minority Amendment (0393h)

Amend the bill by replacing section 1 with the following:

1 Transfer of Surplus to Revenue Stabilization Reserve Account. Notwithstanding the provisions of 2005, 177:53, any undesignated, general fund surplus for the fiscal year ending June 30, 2005, in excess of \$40,500,000 shall be transferred to the revenue stabilization reserve account, under RSA 9:13-e.

Rep. Marjorie Smith spoke in favor.

Rep. Major spoke against.

Minority committee amendment (0393h) failed.

Majority committee report adopted and ordered to third reading.

HB 1678-FN-A, relative to state reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state university. **INEXPEDIENT TO LEGISLATE.**

Rep. Daniel M. Hughes for Finance: The committee felt that the relationship between the state university system and the Town of Plymouth is a local, non-legislative issue. Although the committee is sympathetic to Plymouth, the town currently has a contract with the university system to provide a payment in lieu of taxes that expires in 2010. When unusual events occur that strain the local public safety budget, we would expect the university system to continue to work in good faith to resolve the problem in an equitable manner. Vote 19-1.

Committee report adopted.

HB 1716-FN, relative to state reimbursement for public safety expenditures made by towns on behalf of public higher education residence halls. **INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth L. Weyler for Finance: In an annual budget of 4.5 billion dollars, New Hampshire distributes over one billion to cities and towns under 28 different funds. This bill would propose an additional state distribution of funds to pay for public safety in a municipality that hosts a part

of the university system or a community technical college. Elements of public safety are already paid for by the state as represented by the state police and also its detective bureau. County sheriffs also back up local police when called. A major portion of public safety is supported by property taxes. Studies in the past have shown that host communities of these schools have a more favorable tax structure as to the ratio of businesses to residences. The student spending supports many of these businesses. In almost all cases, the communities involved lobbied to have these schools located there. Although some in the community may judge what was once an advantage has now become a disadvantage, the point would be difficult to prove if all statistics were fairly compared. Isolating one community expense and attributing it to the state was not judged to be a fair charge. Vote 19-1. Committee report adopted.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Wheeler for Finance: The committee felt that the objective of paying the differential to reserve and national guard people called to active duty from their regular job was important and the amendment helps clarify that objective. In addition, we changed lines 16-18 (Section IV(a) (3)) to a reference to RSA-100 to continue what is done now at NHRS and eliminated section IV-2, III lines 25-27 dealing with workers compensation as unnecessary. Vote 16-7.

Amendment (0378h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; State Employee Called to Active Duty; Pay and Benefits. Amend RSA 110B:37 by inserting after paragraph III the following new paragraph:

IV.(a) In addition to the pay authorized under paragraphs I and III of this section, any state employee who is a member of a reserve or the national guard and who is called to full-time active duty by the President of the United States, under the authority of the governor, or under the authority of another governor who participates in the Emergency Management Assistance Compact, shall, for the duration of such full-time active duty, be entitled to special leave with partial pay and continuation of benefits as follows:

(1) Partial pay shall be the difference between the employee's regular state compensation and the employee's full-time military basic pay, if the full-time military basic pay is less than the regular state pay.

(2) Continuation of health and dental insurance benefits for which the employee and/or the employee's legal dependents are otherwise eligible but for the employee's special leave; provided, however, that in the event of a deployment for which federal health and dental benefits are provided, the federal health and dental benefits shall be primary for the employee.

(3) Retirement benefits shall continue to be provided in accordance with RSA 100-A.

(b) The adjutant general shall, on a monthly basis, provide the department of administrative services with a list of all members of the national guard affected under subparagraph (a) and their respective military salaries, and other reserve units are encouraged voluntarily to provide the same information.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Coughlin declared a conflict of interest and did not participate.

SPECIAL ORDER

Rep. O'Neil moved that **HB 1269**, relative to the taking of red deer or elk, be made a Special Order for Wednesday, February 22, 2006 at its regular place in the calendar and spoke in favor. Motion adopted.

REGULAR CALENDAR

SPECIAL ORDERS (CONT'D.)

HB 1294, relative to antique snowmobiles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John F. Klose for Fish and Game: This bill clarifies the definition of an antique snowmobile. To qualify for this distinction, a snowmobile must meet one of the following criteria: be manufactured prior to 1969; be 25 years old or more; or be a Model T Ford manufactured prior to 1940 which was converted to travel over snow. Vote 9-1.

Amendment (0558h)

Amend the bill by replacing all after the enacting clause with the following:

I Snowmobiles; Definition of Antique Snowmobile. RSA 215-C:1, II is repealed and reenacted to read as follows:

II. "Antique snowmobile" means a snowmobile owned by a resident of this state which is any of the following:

(a) A snowmobile manufactured prior to the year 1969; or

(b) A snowmobile 25 or more years old; or

(c) A Model T Ford converted to travel over snow, manufactured prior to 1940.

2 Effective Date. This act shall take effect July 1, 2006.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1160, establishing a committee to study the effects of willful, habitual misconduct by individuals on their subsequent well-being which may impose a burden on public funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The bill proposed to study habitual misconduct by individuals, the subsequent effects on their well being, and the resulting costs on New Hampshire taxpayers, to provide programs to solve the problems caused by this conduct. The bill provided for sanctions to motivate good behavior. These included denial of state assistance, the limitation of or curtailment of services up to and including restitution. The committee believed this to be impractical in application. However, the committee found agreement in the sponsor's intent which is to promote personal responsibility and consequences for bad behavior. To that end, it was suggested that the sponsor's ideas would best be handled within existing committees. Those would include the Governor's Commission on Alcohol & Drug Abuse Prevention, Intervention Aid Treatment as well as the Wellness and Primary Prevention Council. Based on these facts the committee voted to recommend ITL. Vote 15-0.

Rep. Rosen spoke against.

Rep. Batula spoke in favor.

Committee report adopted.

HB 1230-FN, relative to clinical trials for pharmaceuticals. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph M. Miller for Health, Human Services and Elderly Affairs: This bill focused on the possibility that publicizing the results of clinical drug trials would help the consumer become better aware of the adverse effects of prescription drugs. In actuality, clinical drug trials authorized by the FDA or the National Institute of Health are quite purposely performed before the approval of a drug's use by the public, and hence the public has no need to know of such side effects. When side effects do exist in the use of prescription drugs, adverse effects are usually advised by the prescribing physician or can be easily found in the Physician's Desk Reference (PDR), a volume available in all public libraries. To delve into the dangers of drugs which never become FDA approved would serve no use to the public. Vote 14-0.

Rep. Matarazzo spoke against and yielded to questions.

Rep. Miller spoke in favor and yielded to questions.

Committee report adopted.

HB 1318, relative to prohibiting services for illegal immigrants. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The committee was unanimous that there is a serious problem in this country regarding illegal immigrants. Primarily this is a federal responsibility under the Immigration and Naturalization Service. It is a matter of frustration in New Hampshire and elsewhere regarding the lack of enforcement. However, the committee does not agree that denying services or assistance to illegal aliens from the Department of Health and Human Services is an answer to the problem. Some services are required by federal law and regulation. The serious issues, for example, confronting the state regarding the treatment of infectious diseases is an example of the difficulty of denying services. The implication of individuals with tuberculosis who are denied treatment and instead spread the disease is frightening. Doctors and other health care providers would be required to break their confidentiality requirement. DCYF could not protect children in need. At present, the percentage of money spent by DHHS on illegal aliens is negligible. There are many who are without documents who are not illegal aliens. In testimony, it was heard that at least 1/3 of

homeless individuals have no proof of citizenship even though most are citizens. For this and other reasons, the committee cannot support this denial of health and human services as written in this bill. The committee has agreed to put this entire matter into further study in a similar bill (HB 1563). We will take up this matter and include more data and study. Because of federal guidelines we need to insure our actions regarding this matter be addressed in a responsible manner. Vote 15-0.

Rep. Buhlman spoke against.

Rep. Batula spoke in favor.

Committee report adopted.

HB 1409-FN, relative to organ and tissue donation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill amends the existing statute to establish a donor registry for anatomical gifts and allows that an organ procurement organization has access to such information. Testimony on this bill emphasized the importance of a central registry that can provide immediate information on a specific individual's decision as to their decision about anatomical gifts. Speed is critical to utilizing all organ donations. Under emergency conditions, the individual may not be capable of communicating his previously made decision to donate. This bill creates a donor registry agency that fills this existing critical gap in lack of access to decisions under emergency conditions. There is an existing agency that is accredited for that purpose and already is providing services in New England. This agency, the New England Organ Bank, is the federally designated agency for these purposes. Questions as to confidentiality regarding the identity of donors were raised. The agency operates under HIPPA regulation which requires a very high level of confidentiality. There is no cost to the state of New Hampshire. All costs involved in these transactions are covered by the recipient of the organ donation. The only donor information provided to the Donor Registry for Anatomical Gifts will be the donor name, date of birth, and date of registration as a donor. All of that data is protected by HIPPA regulations. Children under the age of eighteen cannot make a designation. Nationally, over 25 states have adopted this type of legislation. Once a donor has made a designation, it cannot be changed by anyone except the donor. Vote 16-0.

Amendment (0461h)

Amend RSA 263:41, I as inserted by section 4 of the bill by replacing it with the following:

I. The director shall provide to federally-designated organ procurement organizations serving the state access to names, dates of birth, and date of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and tissue donors for the purpose of identifying those individuals as organ and tissue donors. Such access shall be provided in a manner and form to be determined by the director following consultation with such organizations, and shall include electronic transmission of initial information and periodic updating of information.

Rep. Batula spoke against.

Amendment failed.

Rep. Kurk offered floor amendment (0695h).

Floor Amendment (0695h)

Amend RSA 263:41, I as inserted by section 4 of the bill by replacing it with the following:

I. The director shall provide to federally-designated organ procurement organizations serving the state access to names, dates of birth, and date of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and tissue donors for the purpose of identifying those individuals as organ and tissue donors. Such access shall be provided only with the prior written consent of the donor and shall be provided in a manner and form to be determined by the director following consultation with such organizations, and shall include electronic transmission of initial information and periodic updating of information.

Rep. Kurk spoke in favor.

Floor amendment (0695h) adopted.

Committee report as amended adopted and ordered to third reading.

HB 1654, relative to the probate court mediation fund and fee. **OUGHT TO PASS.**

Rep. Frances D. Potter for Judiciary: The probate court mediation program has been extremely successful, with 70% of the mediated cases settled, thus avoiding trial, and its attendant expense and emotional turmoil. Though not all parties choose to avail themselves of mediation, those that

did seem to be satisfied with the process. We must do all we can to encourage inexpensive alternatives to resolve legal disputes. The Probate Court mediator program does just this and therefore the committee believes the mediation fund should not be allowed to sunset. Vote 12-6. Committee report adopted and ordered to third reading.

HB 1255, establishing a committee to study improvements to the Amoskeag Street interchange at exit 6 of the F.E. Everett Turnpike. **INEXPEDIENT TO LEGISLATE.**

Rep. Bernard L. Benn for Public Works and Highways: The committee heard testimony describing the traffic and safety problems associated with Exit 6 of the Everett Turnpike and the Amoskeag interchange. While the testimony was compelling, it was noted by the committee that this project has never been presented by the City of Manchester, or the Regional Planning Commission to be included in the 10-Year Highway Plan through the GACIT process. If the City of Manchester wants this exit studied, it should submit a request to D. O. T. to have it studied in relation to Exit 5 (currently under construction) and Exit 7 which is in the 10-Year Plan. In general, the committee encourages following the normal process to be considered for the 10-Year Highway Transportation Plan and does not favor legislative "specials." The sponsors and proponents are welcome to attend the committee's hearings on the 10-Year Highway Plan which would be a more appropriate venue to consider this legislation. Vote 14-0. Committee report adopted.

HB 1401, exempting certain all terrain vehicle (ATV) and trail bike trail criteria from the change in use designation of rail trails. **INEXPEDIENT TO LEGISLATE.**

Rep. Christopher R. Irish for Resources, Recreation and Development: The use of ATVs as a recreation activity is increasing rapidly on both public and private lands. The need for trail development on state lands is both necessary and required by statute. The committee received testimony from the Trails Bureau that this bill would all but eliminate the possibility of the change in use designation of rail trails to include any new rail trails for ATV or trail bike use. Individually, the criteria included in RSA 215-A:43 could be applied to the change in use designation of rail trails. However when considered as a whole, it would almost be impossible for any specific section of rail trail to meet the requirements and thus ATVs and trail bikes would be prohibited. It was also stated that there could be conflicts with federal law due to possible use of federal funds for rail trail acquisition. Concern was also raised that this is targeted legislation as other motorized vehicles were not considered, such as snowmobiles. In order to change a use designation, the municipality must request it, and an environmental impact statement from the federal government must be considered. Therefore the committee felt that sufficient safeguards are already in place. Vote 12-7. On a division vote, 190 members having voted in the affirmative and 89 in the negative, the committee report was adopted.

CACR 38, relating to funding for education. Providing that revenue from lotteries and games of chance may only be used for educational purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Ryan for Ways and Means: This bill seeks to amend Article 6-b of the Constitution of the State of New Hampshire by the insertion of four words, "and games of chance." Article 6-b is the provision of the constitution that requires that all monies and interest gained by lottery sales be appropriated exclusively for education. The sponsors indicate that inclusion of the four words will make certain that, should the General Court ever approve a state sanctioned system of gaming, the state's share of such revenue by way of tax would be dedicated to education. The proponents of the measure were less than clear in establishing the need for a constitutional amendment. One theory was that such an amendment would have the effect of a statewide referendum on gambling, while another theory advanced that enactment would increase the comfort level of legislators struggling with the reality of revenue needs against the perceived societal costs of legalized gaming. The committee is of the belief that an amendment to the constitution might be considered in the future, but only after the policy questions regarding gaming are resolved by legislative action, not the reverse situation as proposed by this bill. Absent a policy directive from the legislature and the public, there is no need to tinker with the New Hampshire Constitution. Accordingly, the committee recommends that this bill be voted inexpedient to legislate. Vote 17-1. Committee report adopted.

HB 1473-FN-A, temporarily reducing the road toll. **INEXPEDIENT TO LEGISLATE.**

Rep. Steve Vaillancourt for Ways and Means: "Road toll" as referenced in this legislation is more commonly known as the gasoline tax. It should not be confused with the tolls paid at booths on

interstate highways. New Hampshire’s “road toll” or gasoline tax is currently 18 cents per gallon. This bill would cut that amount in half for a nine month period from April 1 through December 31, 2006. State highway revenue would decrease by \$19,350,000 this fiscal year and \$38,700,000 next year. Local revenues would also be decreased, by \$2,322,000 and \$4,644,000 for the two fiscal years. While the committee sympathizes with the sponsor’s desire to lower gasoline prices for consumers, the state simply cannot afford this loss of revenue if we are to maintain our roads. In fact, there is evidence that we need to spend more for highway maintenance and construction. We hear, for example, that the ten year highway plan is in reality a 14 or 16 year plan since that is how long it will take to accomplish the goals with currently projected revenues. While the consumer price index has been increasing at approximately three percent a year, costs of highway construction, including materials such as steel and cement, have far exceeded that. The cost of salt is up 30 percent this year. However, the “road toll” has not been increased since 1991. While some might view this as a tax, it is in the truest sense a user fee. Those who buy gasoline are using state and local highways, and the “road toll” is used to keep the highways in good repair and free of snow and ice in the winter. At the very time this bill was being heard, we were experiencing a winter storm which the Department of Transportation estimated was costing the state \$30,000 an hour to deal with. Also, some members of the committee expressed concern that even if the tax were to be cut in half for a nine month period; consumers would not realize significant savings since there is some evidence that oil companies or gas stations would simply raise their price by a commensurate amount. A decrease in the “road toll”, which is already less than in most surrounding states, could have consequences the motoring public would not be willing to accept. Vote 18-0. Committee report adopted.

HB 1599-FN-A-L, reducing the rate of the business profits tax and repealing the business enterprise tax. **INEXPEDIENT TO LEGISLATE.**
Rep. Shawn N. Jasper for Ways and Means: This bill would reduce the business profit tax by 2 percent and eliminate the business enterprise tax. This would reduce state revenues by over \$143 million per year beginning July 1, 2006. The sponsor believes that this would encourage business growth in the state and force state government to eliminate wasteful spending. Unfortunately, no specific information was provided which would lead the committee to believe that either of these outcomes was likely. While cutting taxes is an admirable goal, New Hampshire is already a low tax state. Legislators who wish to cut spending should craft proposals for savings before they attempt to reduce the revenues which support a budget which has already been signed into law. Vote 17-1. Rep. Hagan spoke against.
Rep. Jasper spoke in favor and yielded to questions.
Rep. John Flanders moved the previous question.
Adopted.
Rep. Hagan requested a roll call; sufficiently seconded.

YEAS 211 NAYS 74

YEAS 211
BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Russell, David
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Knox, J David	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Butcher, Suzanne	Butynski, William	Coates, Christopher	Dexter, Judson
Dunn, J Timothy	Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Merrick, Scott

Richardson, Herbert

GRAFTON

Aguiar, James
Gionet, Edmond
Nordgren, Sharon

Almy, Susan
Hammond, Lee
Sokol, Hilda

Bleyler, Ruth
Harding, A Laurie
Solomon, Peter

Cooney, Mary
McLeod, Martha

HILLSBOROUGH

Allan, Nelson
Brundige, Robert
Christensen, D L Chris
DeVries, Betsi
Essex, David
Gorman, Mary
Infantine, William
Lasky, Bette
Movsesian, Lori
Reeves, Sandra
Ryder, Donald
Slorum, Lee
Villeneuve, Maurice

Baroody, Benjamin
Campbell, David
Clemons, Jane
Drisko, Richard
Foster, Linda
Harvey, Suzanne
Jasper, Shawn
Manney, Pamela
O'Connell, Timothy
Rosenwald, Cindy
Shattuck, Gilman
Smith, David

Beaulieu, Jane
Carew, James
Cote, David
Dyer, Donald
Ginsburg, Ruth
Hawkins, Ken
Kurk, Neal
Matarazzo, Anthony Sr
Pilotte, Maurice
Ross, Lawrence
Shaw, Barbara
Sullivan, Francis

Boehm, Ralph
Chase, Claudia
Coughlin, Pamela
Emerton, Larry
Golding, William
Hinkle, Peyton
L'Heureux, Robert
Messier, Irene
Price, Pamela
Rowe, Robert
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Hager, Elizabeth
Klose, John
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Bouchard, Candace
Foosse, Robert
Hamm, Christine
Langlais, Thomas
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
French, Barbara
Hess, David
Lockwood, Priscilla
Reardon, Tara
Tilton, Joy
Williams, Robert

Clarke, Claire
Gile, Mary
Kidder, David
Oliver, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Buxton, Donald
Casey, Kimberley
Dowd, John
Forsing, Robert
Griffin, Mary
Katsakiores, George
McKinney, Betsy
Nowe, Ronald
Parker, Benjamin
Robertson, Carl
Weare, E Albert

Allen, Mary
Cali-Pitts, Jacqueline
Charron, Gene
Fesh, Bob
Franceour, Sheila
Hughes, Daniel
Katsakiores, Phyllis
Moody, Marcia
O'Neil, Michael
Powers, James
Robinson, John
Welch, David

Belanger, Ronald
Camm, Kevin
Cooney, Richard
Flanders, John Sr
Garrity, James
Ingram, Russell
Kobel, Rudolph
Morris, Richard
Packard, Sherman
Priestley, Anne
Rolston, James
Wells, Roger

Bridle, Russell
Carson, Sharon
Dalrymple, Janeen
Flockhart, Eileen
Gould, Kenneth
Johnson, Robert
Major, Norman
Norelli, Terie
Palazzo, Frank
Rausch, James
Scamman, Stella
Winchell, George

STRAFFORD

Albert, Russell
Brown, Lawrence
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

Bickford, David
Cataldo, Sam
Grassie, Anne
Kaen, Naida
Rous, Emma
Wall, Janet

Brown, Julie
Chaplin, Duncan
Hilliard, Dana
Keans, Sandra
Schmidt, Peter

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Gale, Harry
Rodeschin, Beverly

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Osgood, Philip Sr

NAYS 74 BELKNAP

Boyce, Laurie	Rosen, Ralph	Tilton, Franklin
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CARROLL

Buco, Thomas	Dickinson, Howard	Martin, James
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CHESHIRE

Emerson, Susan	Sawyer, Sheldon
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COOS

None

GRAFTON

Ingbretson, Paul	Mirski, Paul	Sorg, Gregory	Williams, Burton
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HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Buhlman, David	Christiansen, Lars	Clark, Mark
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Elliott, Nancy
Francoeur, Bea	Gibson, John	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Betty	Hansen, Ryan	Hellwig, Steve
Hirschmann, Keith	Holden, Randolph	Lawrence, James	Martin, Mary Ellen
Mead, Robert	Mooney, Maureen	O'Brien, William	Ober, Lynne
Renzullo, Andrew	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Ulery, Jordan	Wheeler, James		

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Kennedy, Richard	Marple, Richard	Soltani, Tony

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Cady, Harriet	Coburn, James
DiFruscia, Anthony	Donahue, Richard Ken	Doyle, Christopher	Dumaine, Dudley
Gilbert, Karl	Hopfgarten, Paul	Itse, Daniel	Lund, Howie
Quandt, Marshall Lee	Quandt, Matthew	Sanders, Elisabeth	Splaine, James
Weyler, Kenneth			

STRAFFORD

Newton, Clifford

SULLIVAN

Irish, Christopher
and the committee report was adopted.

REGULAR CALENDAR - PART II

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and cross-bow and bolt licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: Fish and Game Department's main revenue source is the sale of hunting and fishing licenses. Although 68,000 currently buy annual licenses, there has been a decline in license sales in recent years. This bill proposes three new lifetime licenses in hopes of increasing revenue. The department sells a few thousand lifetime hunting licenses each year. Such basic license would be required in order to add on any of these proposed new lifetime licenses. The bill proposes new lifetime licenses for 1) bow and arrow, 2) muzzleloader, and 3) crossbow. Cost of lifetime licenses vary with applicants' age. The revenue goes to a pool where annual withdrawals go to the fish and game fund. In the past, increases in annual license fees have convinced some to buy the lifetime license. This proposal anticipates that these new opportunities for lifetime license will better serve hunters and improve the fish and game fund. Vote 14-7.

Amendment (0632h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Fish and Game; Lifetime Licenses for Bow, Muzzleloader, and Crossbow.
Amend RSA 214 by inserting after section 9-c the following new section:

214:9-cc Lifetime Licenses for Bow and Arrow, Muzzleloader, and Crossbow.

I.(a) The executive director, at the department of fish and game headquarters only, shall issue lifetime bow and arrow, muzzle loading firearm, and crossbow licenses for each type of game taken similar to that issued on an annual basis under RSA 208:5, RSA 208:5-a, or RSA 208:7a, respectively, to any resident applicant upon payment of the proper fee, which shall be established by the executive director in accordance with the provisions of paragraph II. Lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be issued only to residents who would be eligible to purchase annual licenses of the same type.

(b) In addition, the executive director may issue lifetime licenses under this section to any resident under 16 years of age. The parent or legal guardian of the applicant shall be a resident pursuant to RSA 207:1, XXIII. The bow and arrow, muzzle loading firearm, and crossbow licenses shall not be valid until the licensee has met all requirements for the issuance of such license. Upon meeting the requirements of RSA 214:23-a, the licensee shall have the license validated at the fish and game department headquarters only.

II. The executive director shall obtain an actuarial table based on an appropriate annuity from the commissioner of insurance and shall set the fee for the various licenses annually on July 15 of each year for the following year based on the age of the applicant. The fee for any applicant under 16 years of age shall be the same as the fee for a 16-year-old applicant. In addition the applicant shall pay the agent's fee in accordance with RSA 214:15, I.

III. In no case shall any lifetime license issued be transferable or any portion of the cost of the license refundable.

IV. Notwithstanding any other provision of law, the moneys received from the sale of such lifetime bow and arrow, muzzle loading firearm, and crossbow licenses shall be deposited with the state treasurer who shall keep the same in the prepaid fish and game license fund. The state treasurer shall annually transfer to the fish and game fund from the prepaid fish and game license fund an amount equal to 9 percent of the portion of the principal balance in the fund each year attributed to lifetime bow and arrow, muzzle loading firearm, and crossbow licenses, and any interest that accrues to such portion of the prepaid fish and game license fund in excess of 5 percent.

V. In addition, the state treasurer shall pay the amount of one annual license fee to the fish and game fund from the proceeds of each lifetime bow and arrow, muzzle loading firearm, and crossbow license sold during the current year, the balance going into the prepaid fish and game license fund.

VI. Licenses issued pursuant to this section shall entitle the holder thereof to the same privileges and subject the licensee to the same restrictions as a holder of an annual license.

VII. The executive director shall, if necessary, adopt rules, pursuant to RSA 541-A, relative to the issuance and validation of the lifetime licenses.

2 Prepaid Fish and Game License Fund; Reference Added. Amend RSA 6:12, I(b)(163) to read as follows:

(163) Moneys deposited in the prepaid fish and game license fund under RSA 214:9c, IV *and RSA 214:9-cc, IV.*

3 Wildlife Habitat Stamp; Exception. Amend RSA 214:1-f, I to read as follows:

1. No person shall at any time take wild animals or wild birds in this state without first procuring, in addition to any applicable licenses required by title XVIII, a wildlife habitat stamp or license under RSA 214:9, XV, for the same period. If a stamp is issued it shall be signed across the face in a permanent manner with the applicant's signature and shall be carried upon such person while engaged in taking wild animals or wild birds. A person under the age of 16 years may take wild animals or wild birds without such a stamp or license provided that, while so doing, the person is accompanied by an adult who has procured such stamp or license. This paragraph shall not apply to any person who takes wild animals or wild birds under a complimentary license, excluding any administrative fee, issued pursuant to RSA 214:3, RSA 214:7-a, RSA 214:13, RSA 214:13-b, or RSA 214:13-c, or a lifetime license issued pursuant to RSA 214:9-c *or RSA 214:9-cc* that was purchased in a prior calendar year.

4 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses which may be purchased by qualified residents.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1563, establishing a committee to study the effects of immigration on the social services system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James R. MacKay for the Majority of Health, Human Services and Elderly Affairs: The majority of the committee expanded the parameters of the study on immigration effects in New Hampshire to consider the positive and negative aspects of immigration on the human services system in New Hampshire. The intent is to consider immigration impact in the most comprehensive extent possible including on a state, county and local level. The committee felt that there is considerable expertise in the state to assist the study committee to reach a balanced, comprehensive and objective report. It is recognized that there are conflicting attitudes and concerns about the impact of immigration in New Hampshire. However, the majority of the committee supports a study that is constructive in its approach and open-minded as to the facts. In addition, the majority of the committee, and possibly the entire committee, strongly suggest that the federal government fulfill its statutory responsibilities concerning the various issues for which it is responsible. A legislative study committee as defined in this bill representing knowledgeable standing committees can help to bring a factual, impartial, and constructive New Hampshire plan that identifies issues and solutions. Vote 8-6.

Rep. Thomas E. Donovan, Jr. for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee, through supporting legislation to study the "effects of immigration," feels that whatever the results of this study, they will be interpreted as negative and as an additional burden to our tax payers. By not considering all the positive contributions of a large segment of individuals in this country legally, especially in the economic, social and cultural areas the final inclusions will be quite negatively slanted. We recognize the various challenges to all systems with new populations of individuals. We are in hope that the federal government will also help support the state's regulations to these issues through a broad, open-minded approach.

Majority Amendment (0634h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study immigration.

Amend the bill by replacing all after the enacting clause with the following:

I Committee Established. There is established a committee to study the positive and negative effects of immigration on the human services system in New Hampshire.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be members of the health, human services and elderly affairs committee and one of whom shall be a member of the education committee.

(b) Three members of the senate, appointed by the president of the senate, 2 of whom shall be members of the health and human services committee and one of whom shall be a member of the education committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the positive and negative effects of immigration on the human services system in communities throughout the state. The committee also shall identify recent immigration trends and their effect on the availability and provision of services. The committee shall solicit information and testimony from such agencies and individuals as may assist the committee in the performance of its duties.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the positive and negative effects of immigration on the human services system.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1576, implementing a voluntary Meth Watch program in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: The committee voted against this bill because earlier it had voted to pass HB 1578 which addresses the need to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire and is more comprehensive. The Meth Watch project would be voluntary and provide the public with methamphetamine related education and information strategies for dealing with the program. The program outlined by HB 1578 may include information on prevention, methamphetamine use and abuse, and associated health conditions, treatment, and how to access services, endangerment of children and incapacitated persons, as well as first responders and others, dangers from methamphetamine labs, toxic waste, and resulting environmental hazards, methamphetamine and other drug laws and penalties, prevention strategies for schools to use. The Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment may initiate the development and implementation of a Meth Watch program. HB 1578 is more inclusive to all areas of methamphetamine awareness and education. Vote 13-1.

Committee report adopted.

HB 1578, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joy K. Tilton for Health, Human Services and Elderly Affairs: This is one of several bills designed to confront the methamphetamine menace that has ravaged many sections of the United States. Meth is short for methamphetamine, a seriously addictive drug that can lead to a variety of physical, neurological and psychological symptoms. It is truly unfortunate that there is evidence that "meth labs" are being detected in New Hampshire at a higher rate than other New England states. This bill outlines a public awareness and education initiative that emphasizes prevention, descriptions of clinical manifestations of meth addiction, treatment, susceptibility of children and incapacitated individuals, the environmental changes, drug laws and penalties and preventive strategies for schools to use. In addition to awareness and public education, this bill also introduces a Meth Watch program as another tool to be used to confront this serious public health problem. These programs will be supported by the Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment and the Department of Health and Human Services. This is one of several initiatives being brought forward based on the legislative caucus on methamphetamine and the government leaders task force on methamphetamine. The committee was unanimous in support of this bill. Vote 17-0.

Amendment (0620h)

Amend RSA 12-J:5, I as inserted by section 2 of the bill by inserting after subparagraph (f) the following:

(g) Preventive strategies for schools to use.

Amend RSA 12-J:5, II as inserted by section 2 of the bill by replacing it with the following:

II. The department of health and human services, in cooperation with the commission, may initiate the development and implementation of a Meth Watch program similar to the Meth Watch program first designed and implemented in the state of Kansas and adopted by numerous other states, including the state of Maine, and coordinate its efforts with the department of health and human services and other state agencies.

Committee amendment adopted.

Committee report adopted and ordered to third reading.

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. **OUGHT TO PASS.**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: This bill establishes a study committee to study the effects of current state and federal laws on illegal drugs and possession and use of drugs. The study committee will review the effects of current state and federal drug laws from a financial and social perspective, including the effects on state, county and local communities. Vote 11-1.

Committee report adopted and ordered to third reading.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004. **OUGHT TO PASS.**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The U.S. Congress in 2004 passed the "Law Enforcement Officers Safety Act of 2004." Here are two major provisions (1) Allow active law enforcement officers nationwide to carry their secure weapons in any state. (2) Allow retired law enforcement officers that meet certain criteria to carry a concealed weapon nationwide and describes criteria under which states may verify these individuals as meeting the criteria of the law. This bill creates a training program for the new category of retired law enforcement officers including use of deadly force training. This legislation is necessary and in the best interest of New Hampshire's law enforcement community and citizens. Vote 8-3.

Committee report adopted and ordered to third reading.

HCR 21, urging the Department of Homeland Security to study New Hampshire's northern border and protection to our dam network. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The Homeland Security Department has ranked the Murphy Dam about 700th on its priority list. The safety of the dam is a very important issue. The committee felt that enhanced cooperation between Northern New England Governors would produce quicker and more effective solutions to confront the grave risks of loss of life and property in case of catastrophic failure, regardless of the cause. It has to be understood that a major dam failure in Maine could result in serious and long-term damage in New Hampshire. Vote 11-2.

Committee report adopted.

SPECIAL ORDER

Rep. Price moved that **HR 22**, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II," be made a Special Order for Wednesday, February 22, 2006 at its regular place in the calendar.

Adopted.

REGULAR CALENDAR – PART II (CONT'D.)

HB 1319-FN-A, decreasing the rate of the tobacco tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Howie Lund for Ways and Means: This bill would reduce the tax on a pack of cigarettes from the current rate of 80 cents to the old tax rate of 52 cents per pack. This proposed change would reduce state revenues an estimated \$43 million per year without offering a method for making up those funds. The cigarette tax is the fourth largest revenue stream in the state and 40 percent of the tax burden is borne by out-of-state citizens. Further, the committee felt that having just made a major change in this revenue stream last session it would not be logical to make another change this soon. Our biennial state budget has incorporated the revenues produced at 80 cents in its revenue projection. Vote 12-1.

Rep. Major yielded to questions.

Committee report adopted.

HB 1693-FN-A-L, relative to funding an adequate education. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael D. Whalley for Ways and Means: In June of last year, this Legislature overwhelmingly adopted HB 616 which set up a new education funding formula. In the seven months since the bill became law, towns have begun the process of adjusting to the new formula, and the majority of the committee believes this law is constitutional and will withstand the legal challenge it now faces. The majority believes that the education funding law needs time to work, let the communities adjust to it and give the state some stability. This bill would be detrimental to that aim. This bill would not only create a new funding mechanism, it would also establish gambling as a revenue source and dedicate funds in several areas. The House voted just weeks ago on a

gambling measure that failed nearly 2.5-1. The gambling revenues that this bill projects would be placed into a dedicated fund, funds with which the majority believes it should not be dealing with. This bill requires dedicating a significant amount of money into LCHIP while reducing the BPT and BET with the assumption that 3,900 machines around the state will fully fund education, the above mentioned LCHIP funds and revenue losses. The majority believes that all expenses should be addressed in the same manner as all others, specifically, in the budget. Vote 15-5. Committee report adopted.

BILLS REMOVED FROM CONSENT CALENDAR

HB 1621-FN, prohibiting overpricing of fuel. OUGHT TO PASS WITH AMENDMENT.

Rep. Stephen B. Stepanck for Commerce: After a public hearing and many subcommittee meetings the sponsors, industry and the Attorney General's Office were all able to agree to a price gouging bill which gives the Attorney General the ability to investigate alleged price gouging while protecting wholesalers and retail merchants from being blamed for price increases beyond their control. The trigger to investigate price gouging was carefully crafted to allow the Attorney General to investigate price gouging only if a state of emergency is declared by the governor or if following the finding of an abnormal market disruption by the Merrimack County Superior Court upon a petition filed by the Attorney General. Vote 14-1.

Amendment (0729h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the overpricing of commodities during a declared state of emergency or a market emergency.

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Commodity Prices; Overpricing Prohibited. Amend RSA by inserting after chapter 359-H the following new chapter:

CHAPTER 359-I COMMODITY PRICES

359-I:1 Definitions. In this chapter:

I. "Commodity" means any goods, services, materials, merchandise, supplies, equipment, resources, or other article of commerce, including food, water, ice, medicine, chemicals, petroleum products, and lumber, necessary for consumption or use as a direct result of a declared state of emergency or market emergency.

II. "Distributor" means the seller of a commodity to a selling merchant.

III. "Market emergency" means a significant disruption to the production, distribution, or sale of a commodity or commodities caused by an event such as a natural or man-made emergency or disaster.

IV. "Selling merchant" means the retail seller of a commodity to an end user of the commodity.

359-I:2 Prohibition on Price Gouging.

I. It is unlawful for any distributor or selling merchant, or his or her agent or employee, to sell a commodity to a consumer at an unconscionably high price during any of the following events:

(a) During a declaration of a state of emergency by the governor within the area of the declared state of emergency.

(b) Following the finding of a market emergency by the Merrimack county superior court upon petition filed by the attorney general within the area of the finding of a market emergency.

II. A price is unconscionably high if the amount charged represents a gross disparity between the price of the commodity and:

(a) The price at which the same commodity was sold or offered for sale in the usual course of business during the 7 days immediately prior to the declared state of emergency or market emergency; and

(b) The price of the commodity of like grade and quality when compared to the highest price at which the commodity was offered for sale by other similar businesses in the same or adjacent county.

III. Price increases due to an increase in the amount charged attributable to increased whole-sale, delivery, labor, replacement costs or other necessary costs incurred or reasonably anticipated to be incurred by the selling merchant or wholesaler, shall not be considered price gouging.

IV. A violation of this chapter shall be enforceable by the attorney general for civil penalties pursuant to RSA 358-A:4, and shall not be subject to the criminal provisions under RSA 358-A:6 or the private right of action of RSA 358-A:10. Any violation of this chapter shall be based on the setting of the price and such violation shall not be based on each separate sale.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill prohibits distributors and merchants from selling commodities at unconscionably high prices during a declared state of emergency or a market emergency.

Amendment adopted.

The question now being adoption of the committee report.

Rep. O'Brien spoke against and yielded to questions.

Rep. Peter Sullivan requested a roll call; sufficiently seconded.

YEAS 127 NAYS 146

YEAS 127 BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

Martin, James

Olimpio, J Lisbeth

CHESHIRE

Butcher, Suzanne

Butynski, William

Coates, Christopher

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Foote, Sheila

Mitchell, Bonnie

Parkhurst, Henry

Pelkey, Stephen

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Lary, Bruce

Merrick, Scott

Stohl, Eric

GRAFTON

Almy, Susan

Bleyler, Ruth

Cooney, Mary

Gionet, Edmond

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin

Batula, Peter

Beaulieu, Jane

Campbell, David

Chase, Claudia

Craig, James

Desmarais, Vivian

Dokmo, Cynthia

Essex, David

Foster, Linda

Ginsburg, Ruth

Gorman, Mary

Graham, John

Hagan, Barbara

Hall, Betty

Harvey, Suzanne

Hirschmann, Keith

Holden, Randolph

L'Heureux, Robert

Lasky, Bette

Martin, Mary Ellen

Matarazzo, Anthony Sr

Movsesian, Lori

Pilotte, Maurice

Rosenwald, Cindy

Ryder, Donald

Shattuck, Gilman

Shaw, Barbara

Shaw, Kimberly

Smith, David

Stepanek, Stephen

Sullivan, Francis

Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

DeJoie, John

Foose, Robert

French, Barbara

Gile, Mary

Hamn, Christine

Kidder, David

Osborne, Jessie

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Belanger, Ronald

Cali-Pitts, Jacqueline

Carson, Sharon

Casey, Kimberley

DiFruscia, Anthony

Dowd, John

Fesh, Bob

Flockhart, Eileen
 Priestley, Anne
 Robinson, John

Moody, Marcia
 Quandt, Marshall Lee
 Splaine, James

Packard, Sherman
 Quandt, Matthew
 Winchell, George

Powers, James
 Robertson, Carl

STRAFFORD

Berube, Roger
 Creteau, Irene
 Kaen, Naida
 Schmidt, Peter

Brown, Julie
 Hilliard, Dana
 Miller, Joseph
 Smith, Marjorie

Brown, Lawrence
 Hofemann, Roland
 Rollo, Michael
 Wall, Janet

Callaghan, Frank
 Johnson, Nancy
 Rous, Emma

SULLIVAN

Cloutier, John
 Franklin, Peter

Converse, Larry
 Houde-Quimby, Charlotte

Donovan, Thomas
 Jillette, Arthur Jr

Ferland, Brenda
 Prichard, Stephen

NAYS 146

BELKNAP

Allen, Janet
 Millham, Alida
 Tilton, Franklin

Boyce, Laurie
 Nedeau, Stephen
 Tobin, William

Fitzgerald, James
 Rosen, Ralph
 Wendelboe, Fran

Flanders, Donald
 Russell, David
 Whalley, Michael

CARROLL

Babson, David Jr
 Merrow, Harry

Brown, Carolyn
 Patten, Betsey

Dickinson, Howard
 Philbrick, Donald

Knox, J David
 Stevens, Stanley

CHESHIRE

Dexter, Judson
 Sawyer, Sheldon

Emerson, Susan

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick

Richardson, Herbert

Tholl, John Jr

GRAFTON

Ingbertson, Paul

Mirski, Paul

Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Carew, James
 Coughlin, Pamela
 Elliott, Nancy
 Golding, William
 Hinkle, Peyton
 Lawrence, James
 Mooney, Maureen
 Price, Pamela
 Slocum, Lee
 Villeneuve, Maurice

Allan, Nelson
 Boehm, Ralph
 Christensen, D L Chris
 Crane, Elenore Casey
 Emerton, Larry
 Goyette, Peter Jr
 Infantine, William
 Manney, Pamela
 O'Brien, William
 Reeves, Sandra
 Souza, Kathleen
 Wheeler, James

Balboni, Michael
 Brundige, Robert
 Christiansen, Lars
 Drisko, Richard
 Francoeur, Bea
 Hawkins, Ken
 Jasper, Shawn
 Mead, Robert
 O'Connell, Timothy
 Renzullo, Andrew
 Ulery, Jordan

Bergeron, Jean-Guy
 Buhlman, David
 Clark, Mark
 Dyer, Donald
 Gibson, John
 Hellwig, Steve
 Kurk, Neal
 Messier, Irene
 Ober, Lynne
 Rowe, Robert
 Vaillancourt, Steve

MERRIMACK

Anderson, Eric
 Hager, Elizabeth
 Marple, Richard

Currier, David
 Kennedy, Richard
 Oliver, James

Danforth, James
 Klose, John
 Potter, Frances

Field, William
 Lockwood, Priscilla
 Soltani, Tony

ROCKINGHAM

Allen, Mary
 Buxton, Donald
 Coburn, James
 Doyle, Christopher
 Francoeur, Sheila
 Griffin, Mary
 Itse, Daniel

Bettencourt, David
 Cady, Harriet
 Cooney, Richard
 Dumaine, Dudley
 Garriy, James
 Hopfgarten, Paul
 Johnson, Robert

Bicknell, Elbert
 Camm, Kevin
 Dalrymple, Janeen
 Flanders, John Sr
 Gilbert, Karl
 Hughes, Daniel
 Katsakiores, George

Bridle, Russell
 Charron, Gene
 Donahue, Richard Ken
 Forsing, Robert
 Gould, Kenneth
 Ingram, Russell
 Katsakiores, Phyllis

Kobel, Rudolph
Morris, Richard
Rausch, James
Weare, E Albert

Lund, Howie
Nowe, Ronald
Rolston, James
Welch, David

Major, Norman
O'Neil, Michael
Sanders, Elisabeth
Wells, Roger

McKinney, Betsy
Palazzo, Frank
Scamman, Stella
Weyler, Kenneth

STRAFFORD

Albert, Russell
Dunlap, Patricia

Bickford, David
Keans, Sandra

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Taylor, Kathleen

SULLIVAN

Gale, Harry

Irish, Christopher

Phinizy, James

Rodeschin, Beverly

and the committee report failed.

Rep. O'Brien moved Refer For Interim Study.

Motion adopted.

CACR 32, relating to eminent domain. Providing that property can only be taken for public benefit other than increased tax revenues. **REFER FOR INTERIM STUDY.**

Rep. Maureen C. Mooney for Judiciary: The committee received three CACRs this session relative to an eminent domain taking. The intent of this amendment was similar to CACRs 30 and 40; however, the wording of it changed the original language of Part 1, Article 12 of the NH Constitution. The subcommittee voted to place this amendment into Interim Study in order to refer to its wording if necessary. With regards to the other CACR's, the subcommittee on eminent domain has chosen to only work off of CACR 30. Vote 15-6.

Rep. Vaillancourt spoke against.

Committee report adopted.

CACR 40, relating to taking of property. Providing that property may not be taken for a public purpose, but only for a public use. **REFER FOR INTERIM STUDY.**

Rep. Maureen C. Mooney for Judiciary: The committee received three CACRs this session relative to an eminent domain taking. This amendment was very similar in language and intent to CACR 30. The subcommittee on eminent domain has chosen to place this amendment into interim study and work off of only CACR 30. The subcommittee may still use the language of this amendment, if amending CACR 30 is necessary. Vote 13-7.

Committee report adopted.

HB 1162, relative to village districts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W. Brundige for Municipal and County Government: This bill, as amended, requires a vote of the town in which a village district is located before a district can be formed. The committee believes the entire town should be aware of the proposed district before it is formed, to preclude a small group of residents from forming a district that the whole town does not support. Vote 13-4.

Amendment (0774h)

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires a vote of the town or towns in which a village district is located before a district can be formed.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1398, relative to titles for motor vehicles of a certain age. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen H. Nedeau for Transportation: This bill would have changed the age of motor vehicles from 15 years to 10 years for the purpose of Certificate of Title. The idea of a title is to secure the collateral of a lien holder. When the title law first passed, vehicles older than 10 years were exempted. As years have gone by, prices have increased, vehicles stay roadworthy for many more years, and loans are for a longer period of time. In 1998 it moved to 11 years, in 1999 to 12 years, in 2000 to 13 years, in 2001 it moved to 14 years, and lastly in 2002 it moved to 15 years. Going back to 10 years would seem to reverse what the Legislature has done in the past. Vote 12-0.

Rep. Hagan spoke against.

On a division vote, 174 members having voted in the affirmative and 91 in the negative, the committee report was adopted.

SPECIAL ORDER

Rep. O'Neil moved that **HB 1628**, relative to expenses of operating bingo games, be made a Special Order for Wednesday, February 22, 2006 in its regular place in the calendar.
Adopted.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, February 22, 2006 at 1:00 p.m.
Adopted.

LATE SESSION**Third reading and final passage**

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs.

HB 1221-FN, relative to recovery of medical assistance.

HB 1125, relative to the filing period for candidates in the presidential primary.

HB 1222-FN, relative to unlawful voting.

HB 1679-FN-L, relative to the property tax exemption for university system property.

HB 1108, relative to the transfer of funds among PAU's within a department.

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees.

HB 1294, relative to antique snowmobiles.

HB 1409-FN, relative to organ and tissue donation.

HB 1654, relative to the probate court mediation fund and fee.

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and cross-bow licenses.

HB 1563, establishing a committee to study immigration.

HB 1578, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire.

HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004.

HB 1162, relative to village districts.

UNANIMOUS CONSENT

Reps. Coughlin, David Smith, Itse and Camm addressed the House.

Rep. Weyler moved that the remarks of Rep. David Smith be printed in the Permanent Journal.
Without objection, the Speaker so ordered.

REMARKS

Rep. David Smith: Thank you, Mr. Speaker. My friends, Nashua lost a very valued citizen this week. On Tuesday morning, at 5:30 a.m. comrade and Commander Byron Buckingham passed away. To everyone who has lived in Nashua for the last 50 years, who is a veteran, his was a well known name.

He served in World War II, received two Purple Hearts, and received the Bronze Star and the Silver Star. Upon coming home in 1946, he immediately joined various veterans' organizations.

When he passed, he was Commander of the State Chapter of the Military Order of Purple Heart. He was also very active in the Veterans of Foreign Wars, Disabled Veterans and has been carrying offices in those even as he has died now at 86 years old.

Every child, probably for the last 30 years, who has ever marched in a parade in the City of Nashua, has known Byron Buckingham simply as "Bucky", passing out the potato chips and soda at the end of the trail. There are many people here sitting in this room who have known him personally

and have shared his optimism on life and what he wanted to do for all our veterans. He was a most unselfish, un-self-serving man. He was always looking about for what he could do for other people. In the last three years, I have worked very, very closely with Bucky. He was also a very strong Republican and was active in many local Republican affairs. He was close to the Gregg family which of course has their roots in Nashua.

When I ran for office, I asked him if I could put a sign on his front lawn and he said, "Yes." And I did so. After I did, he stood back and had a very puzzled look on his face. And I said to him, "Bucky, what's the matter?" He said, "You know, this is the first time I have ever had a sign of a Democrat on my front lawn," and then he said "But I know you'll be good". I didn't think about it at the time but he did not say "You will do good," he said "You'll will be good," as if some of my colleagues on this side are not that way.

I am a member of the Church of Jesus Christ of Latter Day Saints. As a Mormon, I believe that we are all God's children. We come to this world to be tested and when we are tested and when we pass, we go on back to our heavenly Father leaving our mortal bodies behind. While we are here the major test is to be in God's service and the most major way to be of service is to be in service to your fellow man. If you are a success when you are welcomed back, you are greeted by, "Welcome home, O most loyal and faithful servant." I know that "Bucky" Byron Buckingham has been received in that manner. Now Mr. Speaker, I would like you to ask my colleagues to stand in a moment of silence to observe the service that he rendered on this side of the veil. Thank you, Mr. Speaker.

Rep. Craig moved that the remarks of Rep. Camm be printed in the Permanent Journal. Without objection, the Speaker so ordered.

REMARKS

Rep. Camm: Thank you, Mr. Speaker. At first I'd like thank the House for the vote on House Bill 1651. I apologize for my mediocre presentation in the math, I was thrown a soft curve, and I didn't handle it well. I must confess my mind has been preoccupied today. Hopefully I will do better with this, my first unanimous consent request. So here goes. Thank you, Mr. Speaker, Honorable members of the House. I rise today to inform the House about a tragic event that occurred last Thursday in Jalalabad, Afghanistan. On that day a United States Marine lost his life serving his country. Private First Class Matthew Lee Bertolino lost his life serving his country. PFC Matthew Bertolino was from New Hampshire, he was from Rockingham County and he was from Hampstead. Marine Bertolino died when the vehicle he was riding hit something and rolled over.

A Department of Defense spokesman said that his convoy was not under attack when the accident happened.

He was a wonderful, perfect, handsome 20-year old who loved being a Marine. "He was proud of that," his mother said. He was going to become a policeman when he got home. He was going to build a house. He had so many plans. Marine Bertolino was a 2003 graduate from Pinkerton Academy in Derry. My son, class of 2005, told me he was in a construction class with Matt. I understand that Matthew Bertolino was a carpenter before becoming a Marine. "He was proud of what he was doing over there," said his father. "He was very proud to be a Marine."

It is times like this Mr. Speaker that remind us that freedom isn't free. Rest assured that all of us are very proud of Matthew Lee Bertolino from Hampstead, New Hampshire.

Our deepest sympathy goes out to his family and his loved ones. Semper fi, Marine, semper fi. Calling hours are today until 8:00 p.m. at the Peabody Funeral Home. The funeral service is at the Hampstead Congregational Church, Main Street, Hampstead at 10:00 a.m. Mr. Speaker, honorable members of the House, would you please join me in a moment of silence to honor the life of PFC First Class Matthew L. Bertolino, United States Marine from Hampstead, New Hampshire. Thank you, Mr. Speaker, Honorable members, thank you.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purposes of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only. Adopted.

The House recessed at 6:10 p.m.

RECESS

(Speaker Scamman in the Chair)**COMMITTEE ASSIGNMENTS**

Rep. John E. Robinson on Transportation.

Rep. Steve Vaillancourt off Ways and Means.

Rep. James B. Rausch on Ways and Means.

SENATE MESSAGES**CONCURRENCE**

HB 331, relative to restraining dogs and relative to livestock working dogs.

HJR 1, recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.

RECESS**(Rep. Craig in the Chair)****ENROLLED BILLS REPORT**

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 331, House Joint Resolution numbered 1, and Senate Bill numbered 72.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

HB 406, revising certain provisions of the home education statutes.

Amendment (0628-EBA)

Amend section 5 of the bill by replacing lines 1-3 with the following:

5 Home Education; Hearing; Notice and Procedure. RSA 193-A:7 is repealed and reenacted to read as follows:

193-A:7 Hearing, Notice, and Procedure.

Adopted.

HB 1184, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities.

Amendment (0731-EBA)

Amend RSA 33:3-a, II as inserted by section 1 of the bill by replacing lines 4-7 with the following: city council or a town, school district, or village district by a vote of 2/3 of the voters present and voting at an annual meeting, ~~and~~ a county by a 2/3 vote of all the members of the county convention, *a political subdivision which has adopted official ballot voting procedures pursuant to RSA 40:13 by a vote of 3/5 of those voting, and a municipality that has adopted an*

Adopted.

RECESS**(Speaker Scamman in the Chair)**

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Wednesday, February 22, 2006

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

O Gracious God, in the stillness of this moment remind us of the depth of who we are and whose we are. We give You thanks for this glorious day. We give You thanks for the companionship and the comradeship that we share here in this House. We ask Your blessing and guidance today upon the work before us. We have many bills to consider, bills considering immigration, concerning clergy notification in cases of suspected abuse, bills dealing with hunting, and many more. In all things, O God, guide us both in heart and in mind reminding us that we serve all, especially those who are less fortunate and less powerful than we. If there be anyone here in this gathered body today who is suffering in mind, or spirit or body, grant Your healing and Your peace. All this we pray in Your name. Amen.

Rep. Fran Wendelboe, member from New Hampton, led the Pledge of Allegiance.

The National Anthem was sung by Cacia and Morgan King, sisters and students at Epping Elementary and Middle School.

LEAVES OF ABSENCE

Reps. Nelson Allan, Albert, Barker, Barry, Carlson, Chabot, Dyer, Gillick, Gonzalez, Headd, Hirschmann, Irish, Maybeck, Messier, Putnam, Snyder, Soltani and Wiley, the day, illness.

Reps. Aguiar, Berube, MaryAnn Blanchard, W. Packy Campbell, Carter, Dexter, Dokmo, Domingo, Dunn, Daniel Eaton, Foose, Goodwin, Hansen, Hebert, Introne, Irwin, Klose, Lawrence, Mason, McRae, Messier, Moore, Pantelakos, Parker, Reed, Twombly and Yeaton, the day, important business.

Reps. Lary, Oliver and Serlin, the day, illness in the family.

Rep. Katherine Taylor, the day, death in the family.

INTRODUCTION OF GUESTS

Shirley Belden, Deborah, Nicholas and Jacqueline Arndt, guests of Rep. Jennifer Brown. Seniors from the Meriden Congregational Church, guests of Reps. Houde-Quimby and Prichard. Susan Fockler, Carol Meredith and David Reynolds, wife and guests of Rep. Pennington Brown. Elaine Osgood and Katelyn Rae Belaire, wife and granddaughter of Rep. Osgood. Mickey Lund, Dustin, Rain and Aspen Reinauer, wife and grandchildren of Rep. Lund. Megan McDonald, Maria Dockery, Sharon Robitaille, Loretta Gynan, Krysta Turgeon, Matt Poitras, Mike McGarrigan and Keith Barton, guests of Rep. Emerson.

COMMUNICATION

February 22, 2006

Karen Wadsworth, Clerk of the House

Please be advised that the following representative-elect was sworn into office by the Governor and Council on this day:

Rockingham County District 9

Penn Brown, d, Epping (153 Old Hedding Road. #40) 03042

William M. Gardner, Secretary of State

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that House Rules be so far suspended as to allow **HB 1767-FN-A**, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor, an extension of the deadline of last day to act on House Bills not in a second committee, be moved to Thursday, March 16, 2006.

Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that all deadlines be suspended for the bill which will contain the 10-year Highway Plan.

Adopted by the necessary two-thirds.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1335, relative to the authority of law enforcement officers during a state of emergency, removed by Rep. Phinizy.

HB 1639-FN, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency, removed by Rep. Hopfgarten.

HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution, removed by Rep. Marple.

HB 1266, relative to acceptance of consular identification documents, removed by Rep. Velez.

HB 1322, relative to the establishment of allodial rights, removed by Rep. Marple.

HB 1641-FN, establishing a common law court, removed by Rep. Marple.

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution, removed by Rep. Schmidt.

HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way, removed by Rep. Danforth.

Consent Calendar adopted by the necessary two-thirds.

HB 1218, relative to the unauthorized use of the name of a financial institution. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. Martin for Commerce: RSA 384:12-a, IV prohibits the use of the name of a financial institution in a "deceptive" manner. This bill would amend that RSA by deleting the word "deceptive" thus prohibiting any use of the name of a financial institution. Violation could result in license revocation and an administrative fine of \$2500 for each violation with each individual piece of mail constituting a violation in the case of mailed advertising. The committee believes that the legislature should not prohibit the use of the name of a financial institution where the information is in the public domain and the use is not deceptive. Vote 11-7.

HB 1299, establishing a medical malpractice insurance study commission. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: There are already several study committees looking into the various aspects of malpractice insurance which are in the process of gathering statistics. The first report will not be available until late summer which will not allow sufficient time to prepare a viable report before the end of this session. In view of this it was felt this issue could be better addressed next session when the results of the current studies will be available. Vote 17-0.

HB 1325, relative to state regulation of martial arts schools. **REFER FOR INTERIM STUDY.**

Rep. James R. Martin for Commerce: This bill removes martial arts schools from the definition of health clubs and establishes a separate chapter regulating martial arts schools. It would permit such schools to offer three year contracts and makes other material changes to current law. Over 20 representatives attended the final subcommittee meeting and raised questions to which answers were not readily available, including the proper definition of "martial arts," the need for separate regulation, how to treat martial arts, whether three year contracts are appropriate and other basic issues. The committee concluded that further study was required. Vote 16-1.

HB 1483, authorizing vehicle licensing, title, and registration recovery fees by motor vehicle rental companies. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: The Attorney General's Office informed the committee that car rental companies are not prohibited from collecting vehicle licensing, registration, and title

fees as long as the recovery is disclosed. Current law does not require disclosure. However, if the fees are included in the rental price and not disclosed, the rental company may be subject to a claim that it is acting in an unfair or deceptive manner. Because many rental companies appear to disclose recovered fees, the committee did not feel it was necessary to address this issue at this time. Vote 18-0.

HB 1606-FN, relative to coupons and rebates used to purchase alcohol. **INEXPEDIENT TO LEGISLATE.**

Rep. David H. Kidder for Commerce: The committee could not substantiate that coupons were being fraudulently turned in by retail employees. As a result, we felt that the problem was not significant and didn't need to be dealt with by the legislation at this time. Vote 18-0.

HB 1105, relative to eyewitness identification procedures. **INEXPEDIENT TO LEGISLATE.**

Rep. James H. Oliver for Criminal Justice and Public Safety: New Hampshire Police Departments have policies in place that are compatible with the Commission on Law Enforcement accreditation standards. This bill is no doubt well intended in response to articles in the media and experiences in some courts describing flaws in eyewitness identification. Identification of a perpetrator of a crime is part of evidence gathering and the court will develop their own procedures for admissibility of evidence. It is best to leave this matter to be decided by judges and juries and not through legislation. Vote 15-3.

HB 1149, regarding public notification of sexual offender information and establishing a committee to study the creation of a sexual offender classification system. **REFER FOR INTERIM STUDY.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The committee voted to keep the bill for Interim Study. The so called Child Protection Act (HB 1692) has similar subject matter, but the committee voted to stay involved with this subject as HB 1692 begins its journey through the legislative process. Vote 16-0.

HB 1380, establishing the New Hampshire forensic science oversight commission. **INEXPEDIENT TO LEGISLATE.**

Rep. James H. Oliver for Criminal Justice and Public Safety: No tangible need for an Oversight Commission was provided at this time for the State of New Hampshire. No example of what this Commission could correct was cited. One problem brought out was a past situation in the Medical Examiner's Office. This matter was dealt with by investigation, arrest and conviction as it should have been. A positive result of debate was the suggestion that new legislation be forthcoming requiring the State Police Lab and Medical Examiners be nationally accredited. The State Police Lab is accredited and is reviewed every five years. It is also audited annually by the FBI and the National Institute of Justice. The Medical Examiner's Office is soon to be accredited. These standards should be maintained to establish and preserve the integrity of the office. Vote 18-0.

HB 1435, relative to the emergency plan for service dogs and other animals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill arose in the aftermath of Hurricane Katrina, when countless owners of service animals and pets experienced difficulties in evacuating the disaster area. This legislation will require state emergency management officials to develop a plan for evacuation of guide dogs, hearing ear dogs and other service animals. The committee considered the sponsor's proposal that all pets be included in this plan. However, such a plan is considered overly ambitious and unworkable at this point in time. Vote 16-0.

Amendment (0691h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the emergency plan for service animals.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Emergency Services, Communications, and Management; Service Animal Evacuation Plan. Amend RSA 21-P:37 by inserting after paragraph V the following new paragraph:

VI. To prepare a comprehensive plan and program for the evacuation of hearing ear dogs, guide dogs, and other service animals, as defined in RSA 167-D.

AMENDED ANALYSIS

This bill authorizes the director of the division of emergency services, communications, and management to prepare a plan for service animals to be evacuated in the event of an emergency.

HB 1642-FN, relative to criminal penalties and forfeiture for activities in support of illegal immigration. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Criminal Justice and Public Safety: While the intent of this bill is understandable, it contains so many constitutional issues so as to make it unworkable. Portions of this bill are already covered under Peonage (HB 1662). The committee believes that the federal government needs to expend more effort to address this area which is in the area of federal responsibility. Vote 17-2.

HB 1643-FN, relative to enhanced penalties for committing an assault in the presence of a minor. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This is a well intentioned bill brought forward as the result of one anecdotal incident. It addresses, specifically, second degree assault RSA 631:2, simple assault RSA 631:2-a, reckless conduct RSA 631:3, or criminal threatening RSA 631:4, creating an enhanced penalty if the offense is committed in the presence of a person under the age of 16. There are broad negative implications to creating an enhanced penalty to these laws. With no intent to downplay these offenses, for the most part they are relatively minor assault offenses. In particular, the mens rea for reckless conduct does not require the state of mind necessary to prove an assault. Passage of this type of legislation could lead to some serious unintended consequences. After serious deliberation, the committee does not recommend passage of this bill. Vote 20-0.

HB 1729-FN, implementing a "good time" sentence reduction system for inmates in the state prison system. **REFER FOR INTERIM STUDY.**

Rep. E. Albert Weare for Criminal Justice and Public Safety: This bill proposes to establish a "good time" sentence reduction system for inmates in the state prison system. This bill as written would create more problems than it would correct. It is in direct conflict with the truth in sentencing statute already in effect, would create a financial burden on the already under funded Department of Corrections and would compromise the vast majority of plea bargain sentences that have been adjudicated in our court system. The Department of Corrections has informed the committee that three hundred current inmates may be eligible for release if the bill is enacted and 126 of those would be convicted sex offenders. Because of the issues raised, the short funding and limited programs presently being conducted by the Department of Corrections, it would not be possible for DOC field services to monitor those released. The possibility exists that a study may develop programs to alleviate some of the issues now confronted by the Department of Corrections. Vote 11-5.

HB 1157, relative to the definition of a sending district. **OUGHT TO PASS.**

Rep. J. Timothy Dunn for Education: This bill will correct RSA 193:17 IV, a statute that since the June 18, 1998 revision has had unintended consequences that have resulted in possible lawsuits and potential financial liability for students for whom some school districts believed they were no longer responsible. Court proceedings pursuant to RSA 169-C (Child Protection), RSA 169-B (Delinquency), RSA 169-D (Children in Need of Services (CHINS) or RSA 463 (Guardianship of Minors) may result in residential placements of children into foster homes, group homes, educational facilities and so on. When the court awards legal custody of a child to the Department of Health and Human Services, Division for Children, Youth and Families (DCYF), that school district where the parent or guardian of the child resides when the child comes into care is the sending school district until legal custody is returned to the parent, guardian or some other person. This remains constant through numerous changes in placement. The Department of Health and Human Services, Division for Juvenile Justice Services (DJJS) has legal supervision of children who are Delinquents or CHINS. In these cases the sending school district is always the district in which the parent or guardian having legal custody resides. Each time a parent or guardian moves, the school district where they reside is joined as a party to the court proceedings as the sending district, and the previous school district is discharged from the proceedings. The definition of "sending school district" became problematic at the last revision of RSA 193:27 IV, specifically June 18, 1998. The language that was added left the statute open to interpretation by stating that "the sending district shall be, from the change in legal custody or guardianship forward, that district in which the child resided at the time of the original placement." The unintended consequence in the case of a CHINS or Delinquency case, should it become an abuse or neglect matter, is that the original school district in which the child and the parent or guardian resided when the child was originally placed pursuant to the CHINS or Delinquency proceeding could wrongly be named the sending district, rather

than the school district where the parent or guardian having legal custody resided when DCYF was awarded legal custody by the court in the child protection case. If RSA 193:27 IV is not corrected, more lawsuits regarding the identification of liable sending district could be the result, needlessly pitting one school district against one another, thereby wasting valuable resources. Vote 15-1.

HB 1306, relative to threats made by pupils against a school. **INEXPEDIENT TO LEGISLATE.** Rep. Paul C. Ingbreton for Education: This bill would weaken present procedures turning a delinquency offense into a milder "CHINS" offense and would make it more difficult to get an offender into the appropriate process. Local SAU's already have the ability to do, on their own, what is provided for in this bill. It was opposed by the School Boards Association, the NEA, and the Department of Health and Human Services Juvenile Division. Vote 16-0.

HB 1308, establishing a commission to study revising the New Hampshire special education statutes. **INEXPEDIENT TO LEGISLATE.** Rep. Nancy F. Stiles for Education: Several bills before the committee this session dealt with concerns and issues relative to special education. An ad hoc committee that could gather information from all the parties identified in HB 1308 as well as other interested parties could begin the discussion earlier with possible legislation to be ready for the 2007 session. Vote 16-0.

HB 1378, establishing a committee to study the financial implications on local school districts when special education students attend charter schools. **INEXPEDIENT TO LEGISLATE.** Rep. Kimberley S. Casey for Education: The committee, by recommendation of both the sponsor and co-sponsor, understands that these concepts will be folded into an ad hoc committee to look at all aspects of the special education laws. Vote 12-0.

HB 1428, relative to the duties of the advisory committee on the education of children/students with disabilities. **INEXPEDIENT TO LEGISLATE.** Rep. Barbara J. Hagan for Education: The subject of this legislation will be addressed in an ad hoc committee dealing with numerous special education issues. Vote 16-0.

HB 1518, relative to the joint board of a school administrative unit. **INEXPEDIENT TO LEGISLATE.** Rep. Timothy E. Easson for Education: The sponsors asked that this bill be found inexpedient because the issue was resolved locally and legislation is not needed. Vote 12-0.

HB 1385, relative to nomination papers and the definition of "party." **INEXPEDIENT TO LEGISLATE.** Rep. Richard B. Drisko for Election Law: The intent of this bill was to lower the requirement necessary for a party to qualify for ballot status. The percentage of vote necessary from the previous election would be lowered from 4 percent to 2 percent. The number of signatures necessary for nomination petitions was reduced. In addition, a candidate may substitute payment of a fee per petition signature for the filing of a nomination paper. The committee felt that this bill violated the intent of current statutes. Vote 14-0.

HB 1577, relative to the eligibility of persons with nontraditional domicile to vote. **INEXPEDIENT TO LEGISLATE.** Rep. Claudia A. Chase for Election Law: Under current law, persons with nontraditional domiciles have not been excluded from voting and, therefore, we determined that this bill is unnecessary and redundant. Vote 13-1.

HB 690-FN, relative to aid to the needy blind and relative to undue hardship for public assistance. **OUGHT TO PASS.** Rep. Larry A. Emerton for Finance: This bill continues the legislature's effort to ensure that long-term care under Medicaid is provided to those who need it. It slightly eases the standard of undue hardship that must be met before the transfer of assets penalty can be imposed. The bill makes a technical correction, adding those receiving aid to the needy blind to other categories that must agree to reimburse the government, if they can, for any government aid they receive. The fiscal impact of these changes is indeterminable but believed to be relatively small absolutely and in relation to the size of the programs. Vote 20-0.

HB 1656-FN-A, establishing an electronic toll collection transponder inventory fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Weyler for Finance: The turnpike managers would like to have an inventory fund established so that they could buy transponders as needed, without governor and council approval for each contract. Since we have joined an interagency group and have agreed to their rules on EZ Pass, there is only one source for the transponders. Transponders are currently being sold at the rate of 200 per day. They are sold at our cost of \$25 each. As of January 25, 2006, 269,596 were in use by our subscribers. The turnpike would like to buy 16,000 transponders per quarter, and keep 5-7 thousand in stock. We are still in a transition year for establishing EZ Pass, and this fund was seen as a necessary tool. The amendment changed the source of the fund from the highway fund to the turnpike fund. The amount requested remained one million dollars. The turnpike fund has a present balance of about 62 million dollars; only 43 million of that is now dedicated. Vote 20-0.

Amendment (0629h)

Amend RSA 228 as inserted by section 1 of the bill by replacing it with the following:

1 New Section; Electronic Toll Collection Transponder Inventory Fund. Amend RSA 228 by inserting after section 24-c the following new section:

228:24-d Electronic Toll Collection Transponder Inventory Fund. There is hereby established an electronic toll collection transponder inventory fund not to exceed \$1,000,000, which sum is hereby authorized as a revolving fund comprised of funds in the turnpike fund that are not otherwise appropriated. The commissioner of transportation may purchase, through the Interagency Group, such electronic toll collection transponders as may be necessary for the operation of the department, which shall be a charge against the fund. All sales of electronic toll collection transponders from inventory shall be credited to the inventory fund and are hereby appropriated to the department of transportation and made available for expenditures from the inventory fund.

HB 1765-FN-A-L, appropriating matching funds for disaster relief resulting from the October 2005 floods. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth Hager for Finance: This bill provides funds for the towns devastated by the October 2005 floods in western New Hampshire. The state generally pays 12.5% of the town's costs after FEMA pays 75%. This bill asks each town to pay up to \$5,000 and appropriates \$2,911,000 for the state to pay the rest of the match. Vote 21-0.

Amendment (0758h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; State Matching Funds for Federal Emergency Management Agency Disaster Assistance Grants. In response to October 2005 flood damage sustained by communities in Cheshire, Sullivan, Grafton, Merrimack, and Belknap counties, a sum not to exceed \$2,911,000 is hereby appropriated to the department of safety, bureau of emergency management, for the fiscal year ending June 30, 2006, as the required state match for federal disaster assistance funds from the Federal Emergency Management Agency for flood damage sustained during the period from October 8, 2005 to October 17, 2005. With prior approval of the fiscal committee, the department of safety, bureau of emergency management shall distribute the funds appropriated by this act to any eligible municipality or state agency that completed a request for public assistance within the required 30-day period of the October 26, 2005 declaration date. The funds shall be distributed pursuant to the following funding formula: federal funds shall be used for 75 percent of eligible costs and state funds shall be used for the remaining costs, except that the local municipality first shall pay a portion of such remaining costs, not to exceed 12.5 percent of its total eligible costs or \$5,000, whichever is less. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any unexpended funds shall lapse to the general fund on June 30, 2008.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates state matching funds to the department of safety, bureau of emergency management, for disaster assistance to the communities that sustained flood damage in October 2005.

HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nesting loons. **OUGHT TO PASS.**

Rep. Peter E. Solomon for Fish and Game: This bill authorizes a legislative study of the effectiveness of the existing programs to protect loon nesting areas. Over the past ten years, the Loon Preservation Committee has placed signs and/or rope lines around 338 nesting sites in New Hampshire. Although these protected sites have produced 15% more chicks than open sites, the overall loon population has been declining in recent years. The committee unanimously supports a study to determine if legislation is needed to improve the current program which is aimed at increasing our resident loon population. Vote 9-0.

HB 1182-FN, relative to the recreational taking of lobster by scuba divers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: This bill adds a new designation to the number of traps a lobster fisherman may use. A recreational lobster fisherman or a very limited commercial fisherman (100 traps or less) may obtain a license for \$103.00. This is a new category authorized by this bill. The commercial lobster fisherman with 600 or fewer traps moves up to a \$175 annual license fee. The full commercial license for 1200 traps or less shall remain at \$300 for the annual license. This amendment was not directly germane to the original bill; an act relative to the recreational taking of lobster by scuba divers. The hearing for the original bill was held on January 24, 2006, and all testimony, except for the sponsor, was against the bill. A public hearing on the amendment was held on February 7, 2006. All testimony was in favor. The Fish and Game Department is in favor of the legislation. Vote 9-0.

Amendment (0602h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the limited commercial lobster license fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Limited Commercial Lobster License; Fees. Amend RSA 211:18, III(c) to read as follows:

(c) Any individual who is not eligible for the commercial license under subparagraph (b) and any other individual engaged in commercial taking of lobster and crab may receive a limited commercial license. The fee for a resident limited commercial lobster and crab license shall be \$103 ~~and~~ *for new licensees on and after January 1, 2006, and \$175 for licensees who held a limited commercial license prior to January 1, 2006.* The fee for a nonresident, limited commercial lobster and crab license shall be \$350.

2 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill increases fees for certain persons acquiring a limited commercial lobster license.

HB 1302, relative to hunting in the town of Bow. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert J. L'Heureux for Fish and Game: This legislation, which has come before the committee on several occasions and has consistently been defeated, would have made the town of Bow a shotgun only town. Hunting and safety issues, that may be a concern to Bow, are already adequately covered under existing statutes. According to testimony provided by the Fish and Game Department, there have been no reported incidents in the last six years or more. Furthermore, the implementation of more restrictions on the hunters and sportsmen of New Hampshire is unnecessary to solve a problem that doesn't exist. The New Hampshire Fish and Game Department, Sunset Mt. Fish and Game Club, and the New Hampshire Wildlife Federation all opposed this bill. Vote 10-0.

HB 1341, relative to the use of land for hunting. **INEXPEDIENT TO LEGISLATE.**

Rep. David L. Smith for Fish and Game: Although the intent of the legislation is good, the bill as proposed would have done little other than create expense for the Fish and Game Department. It was the feeling of the committee that hunting in the southern tier of the state is somewhat controlled by zoning. In the less populated areas, the problem is land being posted by owners. Rather than wasting precious Fish and Game funds, and using time unproductively, the committee felt that somehow the state should come up with some program to encourage land owners to let their land be open to hunting and fishing. The Fish and Game Department was opposed to the bill. Vote 9-0.

HB 1423-FN, relative to prorating the initial registration fee for off highway recreational vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Reed for Fish and Game: The committee recommends that the bill be Inexpedient to Legislate after discussions with the Fish and Game Department and the Bureau of Trails. Each agency noted that the bill as written would be difficult to administer because of the existing registration structure. Both agencies, with agreement of the prime sponsor, feel that the concept and intent of the bill needs to be analyzed by the agencies to address the best interest of the other users. Vote 9-0.

HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Mirski for Fish and Game: Allowing for the Department of Fish and Game to promulgate rules to provide for the use of leashed tracking dogs for the recovery of wounded deer, moose or bear is good environmental policy and resource sensitive. Vote 9-0.

Amendment (0992h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Leashed Tracking Dogs. Amend RSA 207 by inserting after section 12b the following new section:

207:12-c Notwithstanding any provision of this title to the contrary, a handler with a leashed dog may track wounded deer, moose, or bear. The executive director shall adopt rules pursuant to RSA 541A, relative to the method and manner of take, time periods for training or using leashed tracking dogs, licensing requirements and fees, possession of recovered deer, moose, or bear, notification requirements, and other provisions deemed necessary to effectively regulate this practice. No person shall use an intact carcass of a deer, moose, or bear for training purposes, but may use samples of blood, tissue, and hide of a deer, moose, or bear legally taken or acquired in this state.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill allows a handler to use a leashed tracking dog for the recovery of a wounded deer, moose, or bear, as provided in rules adopted by the executive director of fish and game.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and fund and establishing fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: The activities provided for in this bill have been in place since 1999. To date, annual expenses have not fluctuated significantly. Since the programs inception, it has been funded by federal dollars. This bill appropriates \$175,000 which will not be provided by Federal sources in Fiscal Year 2006. At the original bill hearing, everyone was in favor of the program being maintained; however, a large amount of testimony was against the fees being assessed as proposed. A subcommittee was formed including a Ways and Means Committee member. It was felt that fees would not be able to be fairly assessed, for it would be almost impossible to attribute accurate percentage of costs, and the percentage could change from year to year due to various factors. Also a number of the potential fee increases would be on fees fairly recently increased due to cost increases. For this reason, and also due to the program promoting healthy seafood (shipped all over New Hampshire), and maintaining a healthy seashore which encourages seasonal visitors and the room and meal tax money they leave here. The committee supports the amendment. Vote 9-0.

Amendment (0886h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to replace federal funds received in past years with state funds in order to keep an existing program fully operational. The state shall fund the program with a \$175, 000 appropriation from the general fund. This act is consistent with and supported by 1993, 251 (HJR 4), approved June 15, 1993; RSA 143:26; RSA 211:63; and RSA 485-A:8, V.

2 New Subdivision; Healthy Tidal Waters and Shellfish Protection Program. Amend RSA 487 by inserting after section 33 the following new subdivision:

New Hampshire Healthy Tidal Waters and
Shellfish Protection Program

487:34 Healthy Tidal Waters and Shellfish Protection Program Established.

I. There is established within the department of environmental services the New Hampshire healthy tidal waters and shellfish protection program. This program ensures that water quality in coastal waters supports the propagation, conservation, and harvest of shellfish.

II. To the extent that funds are available, the department shall:

(a) Exercise and administer the classification of coastal waters under New Hampshire shellfish sanitation control authority, pursuant to RSA 143:21 and RSA 143:21-a, so that all waters suitable for shellfish propagation and harvest are classified, and, to the maximum extent possible, classified areas are approved for harvest of shellfish, in accordance with the National Shellfish Sanitation Program.

(b) Identify impaired water quality for shellfish harvesting and work with cooperating agencies and the public to mitigate impairments.

(c) Educate citizens about the need for watershed stewardship to keep coastal waters clean for harvest of shellfish and other designated uses that depend upon safe and clean water.

(d) Conduct strategic planning, together with cooperating agencies and organizations, for New Hampshire's shellfish program, to enhance recreational shellfish harvest and establish commercial aquaculture harvest potential.

487:35 Finding of Public Purpose. The general court finds that it is for the public good and welfare of this state to protect and preserve its tidal waters for propagation and harvest of shellfish and for other beneficial uses. Shellfish propagation and harvest is a primary indicator of the overall ecological and water quality health of coastal waters. As such, the general court further recognizes the need to restore, preserve, and maintain the state's tidal waters in order that these significant environmental, aesthetic, and recreational assets will continue to benefit the social and economic well-being of the state's citizens.

487:36 Definitions. In this subdivision

I. "Commissioner" means the commissioner of the department of environmental services.

II. "Coastal waters" means surface waters of the state, as defined in RSA 485-A:2, XIV, that are subject to the influence of the tides.

III. "Department" means the department of environmental services.

IV. "Coastal watershed area" means the entire watershed area from which water eventually drains to the state's estuaries and coastal waters.

487:37 Healthy Tidal Waters and Shellfish Protection Fund Established.

I. A special healthy tidal waters and shellfish protection fund is established for exclusive use by the department to accomplish the purposes of this subdivision. This fund shall be nonlapsing and continually appropriated to the department for the purposes of this subdivision.

II. The commissioner may apply for and accept, from any source, gifts; donations of money; federal, municipal, or private grants; legislative appropriations; and other funds and incentives for the purposes of this subdivision. The funds accepted under this paragraph shall be paid into the healthy tidal waters and shellfish protection fund established under paragraph 1.

3 New Subparagraph; New Hampshire Healthy Tidal Waters and Shellfish Protection Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (242) the following new subparagraph:

(243) Moneys received under RSA 487:37, II which shall be credited to the New Hampshire healthy tidal waters and shellfish protection fund established under RSA 487:37.

4 Appropriations. The sum of \$175,000 is hereby appropriated for the fiscal year ending June 30, 2006 to the healthy tidal waters and shellfish protection fund established in RSA 487:36. The governor is authorized to draw a warrant for said sum of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill establishes a New Hampshire healthy tidal waters and shellfish protection program and fund, and makes an appropriation to fund the program.

HB 1331, establishing a committee to study the Temporary Assistance to Needy Families (TANF) reauthorization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The Temporary Assistance to Needy Families (TANF) program has recently been reauthorized by Congress. As required, New Hampshire places the federal authorization into New Hampshire statute by this bill. This bill contains only the federal authorization. No other content was included. The committee was disappointed with some of the changes made in this program. However, this bill is not the vehicle to address possible changes. Other legislation would be required. Failure to place the federal authorization into statute could lead to administrative and fiscal consequences including loss of financial support for the Department of Health and Human Services and the clients who need and will benefit from the program. The committee was in unanimous support of this legislation. Vote 14-0.

Amendment (0670h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

Amend the bill by replacing all after the enacting clause with the following:

I New Hampshire Employment Program and Family Assistance Program: Statement of Purpose. Amend RSA 167:77 to read as follows:

167:77 Statement of Purpose.

1. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government [~~whether through block grants or by a federal waiver. If a waiver is necessary, it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented~~]. To the extent permitted by federal law, it is the intent of the general court to [~~replace the aid to families with dependent children program with~~] *operate the Temporary Assistance to Needy Families (TANF) program through 2 subprograms:*

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able-bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. [~~Such replacement establishes~~] The New Hampshire employment program and the family assistance program [~~as the~~] *are* cash assistance programs upon which Medicaid and Food Stamps are automatically granted in the same relationship [~~as under the AFDC program~~].

III. [~~A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing-in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program, the statutes and rules governing that program shall apply and be in effect.~~] Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services, and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long-term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance [~~through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement~~] *to the labor market.*

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency.

(i) Implement a program that is clear, focused, and simple to administer.

VI. The goals of the family assistance program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.

(b) Promote employment opportunities [~~on a voluntary basis~~].

2 Definition of Employment-Related Activities. RSA 167:78, IX is repealed and reenacted to read as follows:

IX. "Employment-related activities" mean activities that meet the federally defined work activities in The Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, Section 407(d) of the Social Security Act, as amended by the Deficit Reduction Act of 2005, and further defined in rules adopted pursuant to RSA 541-A.

3 Employment Program; Eligibility. Amend RSA 167:79, II to read as follows:

II. The following persons shall be included in the assistance group, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance, if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, *including cohabitating adults who share a minor child*. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

4 Employment Program; Requirement to Prevent Reduction in Benefits. Amend RSA 167:79, VI (c) to read as follows:

(c) A parent/caretaker relative and case members shall cooperate with [~~all employment-related activities of~~] *required appointments for entry into* the employment program.

5 Employment Program Characteristics. Amend RSA 167:82 to read as follows:

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility *and employment program participation* requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily deferred from the participation [~~requirements in RSA 167:85, 167:90, and 167:91~~] *in employment-related activities*:

(a) Dependent children under the age of 16.

(b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or the equivalent.

(c) [~~One~~] A parent or caretaker relative [~~per assistance group~~] who is personally providing care for a child under the deferral age established by the department by rules adopted pursuant to RSA 541-A.

(d) A parent or caretaker relative who is 60 years of age or older.

(e) A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A.

(f) ~~A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A.~~

~~(g) A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.~~

~~(h) A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required.~~

~~(i) A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.~~

~~[(j)] (g) Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.~~

III. Financial assistance for an assistance group shall be reduced if a parent or caretaker relative of the assistance group:

(a) Fails to assign child support rights to the department.

(b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for noncooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for noncooperation with child support requirements when at least one of the following conditions exists:

(1) The child for whom support is sought was conceived as a result of incest or forcible rape;

(2) Proceedings for adoption of the child are pending in a court; or

(3) A social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become reemployed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

(1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;

(2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;

(3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;

(4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;

(5) Acceptance by the parent or caretaker relative of *new* employment~~[-or enrollment of at least half-time in any recognized school, training program or institution of higher education,]~~ that requires the parent or caretaker relative to leave *current* employment;

(6) Leaving a job in order to accept a bona-fide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;

(7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;

(8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or

(9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82, III(c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82, III(c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, 167:90, or 167:91. *Failure to participate in employment-related activities for the number of hours specified by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended by the Deficit Reduction Act of 2005, and by rules adopted pursuant to RSA 541-A shall result in the denial of benefits for the entire assistance group.* Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The department shall establish reduction rates, ~~[and] the duration of the reduction [for reductions under RSA 167:79, VI, 167:82, III, and 167:82, IV] rates and financial assistance closure reasons~~ by rules adopted pursuant to RSA 541-A. ~~[The initial reduction rate imposed on any household shall be determined by disregarding the needs of the participant who is out of compliance, but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children.]~~ No reduction ~~or closure~~ shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction ~~or closure~~ and the specific actions which must be taken in order to reinstate full assistance. No reduction ~~or closure~~ shall be imposed ~~[which disregards the needs of the children]~~ when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible *pursuant to rules adopted under RSA 541-A.*

VII.(a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II.

The financial assistance grant is the difference between the assistance group's net income and the payment standard. The financial assistance payments may be contingent on the performance of program activities and may be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

(1) An applicant earned income disregard.

(2) A participant earned income disregard.

(3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.

(4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.

(5) [Repealed.]

(6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced *or closed* pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction *or closure* shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction *or closure* and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction *or closure amount* that has been imposed on any person applying for assistance from that municipality.

6 Infringement on Rights of Other Employees Prohibited. Amend RSA 167:82-a, I to read as follows:

I. The employment program shall not ~~[use participants]~~ *permit individuals to participate in the employment program* in any way contrary to federal law under section 407(f) of the Social Security Act.

7 Rulemaking; Notice Requirements. Amend RSA 167:83, II(b) to read as follows:

(b) Notification of case decisions which affect the *type or* amount of benefits, ~~[or]~~ *the level of eligibility [to participants]*, or changes in participation requirements.

8 Rulemaking. Amend RSA 167:83, II(o) to read as follows:

(o) *Operation of the employment program and employment-related activities as required by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and the Deficit Reduction Act of 2005.*

(p) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

9 Right to Notice of Type and Amount of Benefits. Amend RSA 167:83, III(c) to read as follows:

(c) To be notified of the decision relative to eligibility, and *benefit amounts and* of any changes which affect the benefit amount, the level of eligibility, or changes in participation requirements.

10 Family Assistance Program. Amend RSA 167:84, I and II to read as follows:

I. The family assistance program shall provide financial assistance for dependent children who:
~~[(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, or the unemployment or underemployment of a parent; and
 (b) Reside with either their nonable-bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child. Financial assistance may be provided to the nonable-bodied caretaker relative.]~~

(a) Are cared for by a caretaker relative who is not included in the assistance group.

(b) Are cared for by a specified relative and does not meet the definition of RSA 167:78, I.

(c) Are cared for by caretaker relative who is included in the case and does not meet the definition of RSA 167:78, I.

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), 167:80 and 167:81 to be eligible for financial assistance under this section, and shall be subject to applicable sanctions *or case closures* under RSA 167:82, III(a), III(b), and III(f).

11 Employment Program Work Component; Employment-Related Activities. RSA 167:85 is repealed and reenacted to read as follows:

167:85 Employment Program Work Component; Employment-Related Activities. All participants in the employment program shall participate in an assessment, employment plan development, and be involved in an employment-related activity while participating in the program unless temporarily deferred from participation as authorized by rules adopted pursuant to RSA 541-A and RSA 167:82, II. Noncompliance with employment-related activities without good cause shall be subject to financial assistance penalties pursuant to RSA 167:82, III and IV.

I. Employment-related activities shall be available as specified in The Personal Responsibility and Work Opportunity Reconciliation Act and The Deficit Reduction Act of 2005. Additional employment-related activities that are consistent with the purpose and goals of The Personal Responsibility and Work Opportunity Reconciliation Act, The Deficit Reduction Act of 2005, and this subdivision shall be defined by rules adopted under RSA 541-A.

II. A person temporarily deferred under RSA 167:82, II may participate in the employment program on a voluntary basis to the extent that the program is available and funding and resources are sufficient as determined by the commissioner. If such a person participating in the employment program does not meet the requirements of this section without good cause pursuant to RSA 167:82, the person shall not re-enroll for 3 months.

III. The commissioner may waive requirements under this section if funding and resources are not available to administer this section.

12 Support Services. Amend RSA 167:86 to read as follows:

167:86 Support Services. The commissioner shall reimburse persons for [necessary] travel, child care, and other support service expenses [incurred], *as funding and resources permit*, while ~~conducting~~ *participating in approved* employment program activities. The amount shall be determined by the commissioner by rules pursuant to RSA 541-A. Child care shall be appropriate and safe. The lack of such care shall be considered good cause for deferral from participation.

13 Initial Employment Appraisal and Assessment; Employment Contract. Amend RSA 167:88 to read as follows:

167:88 Initial Employment Appraisal and Assessment; Employment Contract.

I. The commissioner shall ~~determine a participant's ability for employment based on:~~

(a) Such person's work experience, skills, training, education, physical abilities, local labor market area conditions, and if appropriate, aptitude and vocational interests;

(b) Such person's child care, transportation, and other support service needs;

(c) Any other factors that the employment program considers relevant in accordance with rules adopted pursuant to RSA 541-A;

II. The commissioner may make the determination in paragraph I through various methods, including, but not limited to, interviews, testing, counseling sessions, and self-assessment instruments. Participants identified as needing additional services not provided by the commissioner may be referred to community agencies, resources, and services.

~~III. make initial and ongoing assessments of the skills, prior work experience, and employability of each participant entering the employment program.~~

II. The commissioner shall develop an employment ~~contract~~ *plan* in conjunction with the participant. ~~[To the extent that it is feasible and consistent with the purpose and goals of this subdivision, the employment contract shall reflect the preferences of the participant with respect to goals for employment, training or education.]~~ The employment contract *plan* shall:

(a) Indicate employment goals for achieving long-term economic independence, including goals for immediate employment in the labor market.

(b) ~~[Outline a planned series of action steps necessary to achieve employment goals:]~~ *Describe the obligations of the participant that will help him or her become or remain employed in the private sector, and describe the steps necessary for the participant to engage and remain in good standing with program requirements.*

(c) Describe the services to be provided by the employment program.

(d) Identify the support service needs of the participant and indicate how those needs are being addressed.

(e) Follow any other requirements pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005.

IV. The commissioner shall make the final approval of the employment contract.

14 Job Search Programs; Employment Related Activities. RSA 167:90 is repealed and reenacted to read as follows:

167:90 Employment Related Activities.

I. Participants shall engage in employment-related activities for the number of hours requires by 42 U.S.C. section 607(c), as amended, to meet participation requirements. The department shall adopt rules under RSA 541-A relative to the required number of hours and the method of reporting and verifying the reported hours of employment-related activity.

II. The commissioner shall provide employment-related activities, as funding and resources permit, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005, and rules adopted under RSA 541-A.

15 Specialized Employment-Related Activities. Amend RSA 167:91 to read as follows:

167:91 Specialized ~~[Services]~~ **Employment-Related Activities.** The following describes ~~[the employment program specialized services]~~ **certain specialized employment-related activities** and associated participant requirements:

I. Each participant less than ~~[21]~~ **20** years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or

(b) Enroll in school to pursue a high school diploma.

II. ~~[Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may be offered services to enhance basic literacy and work skills.~~

~~III. A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.~~

~~IV.]~~ The commissioner may offer English as a Second Language services *to eligible participants identified by rules adopted under RSA 541-A.*

~~[V. A participant shall be exempt from the requirements of paragraphs I and II if:~~

~~(a) The participant is unable to successfully complete educational activities and is willing and able to participate in job search activities; or~~

~~(b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract, and such goals do not require a high school diploma or equivalent.~~

~~VII.]~~ **III.** The commissioner may provide on-the-job training. A participant shall make satisfactory progress in the employment placement to continue to qualify as an employment-related activity under the employment program *and be an approved activity under The Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005.*

~~[VII.]~~ **IV.** The commissioner may refer a participant to a training agency if such participant requires short-term training to enter the work force. All training shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to training programs to determine the appropriateness of the training in accordance with the criteria established ~~[by the commissioner by]~~ *under the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005 and in rules adopted pursuant to RSA 541-A.* Final approval of the training program shall be the responsibility of the commissioner.

~~[VIII.]~~ The commissioner may refer a participant to postsecondary education if it appears that postsecondary education is required for the household to achieve long-term economic independence. All postsecondary education shall emphasize vocational skills training for participants in a specific occupational area. The commissioner shall require an assessment for referral to postsecondary educational programs to determine the appropriateness of the postsecondary education in accordance with the criteria established by the commissioner by rules adopted pursuant to RSA 541-A. Final approval of the postsecondary educational program shall be the responsibility of the commissioner. The following shall apply:

(a) Any initial postsecondary educational program that is considered at least half-time as defined by the institution, shall include a part-time employment requirement that is reasonable and consistent with the needs of the dependent children for continuing parental care and protection.

(b) Any initial postsecondary educational program that is considered less than half-time as defined by the institution, shall include an employment requirement that may include full-time employment, if reasonable and consistent with the needs of the dependent children for continuing parental care and protection.

(c) A work placement or paid employment shall be arranged prior to the beginning of any educational program to satisfy the requirement in subparagraph VIII(a) or (b).

(d) Any initial postsecondary educational plans shall emphasize vocational skills training in a specific occupational area and shall not be approved beyond the associates degree level.

(e) The department shall not reimburse for tuition, books, supplies, or school fees.

(f) If a participant becomes unemployed while attending postsecondary educational activities, job search activities may be allowed for a predetermined period of time to meet the conditions in subparagraphs VIII(a) or (b):

(g) If a work placement or paid employment position is not available, participants may be required to enter into the alternative work experience program.

IX. A person in good standing in a postsecondary educational program or training program at the time of application to the department may continue to attend if the following requirements are met:

(a) The additional requirements in paragraphs VII and VIII are met

(b) The costs of the education or training shall not be the responsibility of the department.

(c) Self-initiated education shall not be approved beyond the associates degree level unless the participant is completing a bachelors degree program within a limited period of time to be determined by the department by rules adopted pursuant to RSA 541-A which shall not exceed 2 years and meets any additional requirements of the program.

X.] V.(a) The department may operate an alternative work experience program *pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005.*

[(b) Participants shall not be entitled to a salary or training expense when participating in the alternative work experience program.

(c) At the successful conclusion of an alternative work experience program placement, the commissioner may reassess and enroll such participant in another employment-related activity, if appropriate and available.

(d) Any placement that is not considered full-time shall require participation in another employment-related activity. Placements less than 26 weeks shall be permitted.

(e) A participant who voluntarily quits an alternative work experience placement without good cause as defined in RSA 167:82, III(c) and (d) shall be subject to RSA 167:82.

(f) Participants who do not comply with all the requirements under this section without good cause as defined in RSA 167:82, III(c) shall be subject to RSA 167:82.]

XI.] VI. The department shall be the payor of last resort for all expenses involved in any training [and postsecondary educational activity,] and participants shall be required to apply for any other available assistance, prior to receiving financial assistance from the department. Financial assistance for training and educational programs shall have monetary limits established by the department by rules adopted by the commissioner pursuant to RSA 541-A.

[XII. Job search requirements and the work for benefits placement may be suspended by the commissioner for a specified time when the person is participating in other specialized services.

XIII. Participants assessed as needing intensive job readiness assistance in order to obtain full-time employment shall be referred to a job readiness program or educational services below the postsecondary level.

XIV. Participants assessed as needing assistance to resolve significant personal barriers prior to obtaining and accepting full-time employment shall be referred to the appropriate community services and resources.

XV. The duration of services under this section shall be determined by the commissioner by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.]

16 Repeal. The following are repealed:

I. RSA 167:78, XIII, relative to the definition of job search program.

II. RSA 167:78, XIV, relative to the definition of making good progress.

III. RSA 167:78, XXII, relative to specialized services.

IV. RSA 167:78, XXIV, relative to suspension of job search.

V. RSA 167:78, XXVI, relative to benefits program.

17 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill revises the Temporary Assistance to Needy Families (TANF) program in anticipation of federal, legislative changes to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

HB 1346, requiring certain persons to keep the contents of prescriptions confidential. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill safeguards the privacy of both patients and physicians by preventing the sale of their identity for use by pharmacies and drug companies to promote specific medications or monitor the effectiveness of sales and marketing efforts. The bill makes the sale of such private information a violation of the Unfair Trade Practice Act., While HIPAA is supposed to protect patient identity from being bought and sold, it is not always effective. A major drug company is under investigation for paying pharmacists and employees of physician offices to identify patients whose medications could be switched to a competing brand. In New Hampshire, the Pharmacy Board receives complaints from individuals who get coupons for other drug brands in the mail. Currently, drug companies buy the prescribing records of health care providers who prescribe medications. This is done without the provider's permission, and the committee believes it is an unwarranted invasion of privacy that eventually leads to higher drug utilization costs. The bill was amended to define carefully the prohibited uses of identity data. It also protects legitimate uses of identity such as insurance reimbursement, private insurance and Medicaid formulary compliance, fraud investigation, and academic research. Significantly, the legislation does not prohibit the collection, sale, or use of prescriber identity in the aggregate (e.g. the number of prescriptions for a specific brand by all the psychiatrists in Manchester). Therefore, the committee believes that a drug company's commercial interest in promoting its products and evaluating its sales force is adequately protected. In restricting the commercial use of identity data, doctors will be allowed to make prescribing decisions based on therapeutic value without influence from drug reps. This can lead to slower increases in cost for Medicaid and health insurance premiums paid by businesses and individuals. The Medical Society, DHHS, and the AG's office all support the legislation. Vote 13-0.

Amendment (0738h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Pharmacists and Pharmacies; Prescription Information to be Kept Confidential. Amend RSA 318 by inserting after section 47-e the following new section:

318:47-f Prescription Information to be Kept Confidential. Records relative to prescription information containing identifiable patient and prescriber data shall not be used, transferred, licensed, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy, or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement, care management, and utilization review by the patient's insurance provider or the provider's agent. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any other purpose that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, except for evaluation by an insurance provider or the provider's agent for the purpose of compliance with the provider's formulary, or evaluate the effectiveness of a professional detailing sales force. In addition to other appropriate remedies under this chapter, a violation of this section is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this section.

2 New Paragraph; Controlled Drug Act; Prescription Information to be Kept Confidential. Amend RSA 318-B:12 by inserting after paragraph III the following new paragraph:

IV. Records relative to prescription information containing identifiable patient and prescriber data shall not be used, transferred, licensed, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail, or Internet pharmacy, or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement, care management, and utilization review by the patient's insurance provider or the provider's agent. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any other purpose that could be used to influence sales or market share of a pharmaceutical product, influ-

ence or evaluate the prescribing behavior of an individual health care professional, except for evaluation by an insurance provider or the provider's agent for the purpose of compliance with the provider's formulary, or evaluate the effectiveness of a professional detailing sales force. In addition to other appropriate remedies under this chapter, a violation of this paragraph is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right or remedy set forth in RSA 358-A may be used to enforce the provisions of this paragraph.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill declares that prescription information shall not be used, transferred, licensed, or sold for any commercial purpose except for limited purposes.

HB 1465-FN, relative to food stamp overpayments. **OUGHT TO PASS WITH AMENDMENT.** Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: This bill seeks to remedy a hardship faced by food stamp recipients who occasionally receive an overpayment of benefit through no fault of their own and are unable to repay the amount. The legislation prevents the Department of Health and Human Services from automatically seeking reimbursement for overpayment of food stamp benefits when the overpayment is the result of department error. As amended, the waiver of repayment claim is restricted to situations where the amount of overpayment is greater than \$450 or the recipient's income is higher than 200% of federal poverty level. The amendment also directs the department to seek approval from the US Department of Agriculture and establish procedures for waiver of claims. The committee noted that this policy of not pursuing reimbursements for small overpayments is consistent with other states. Vote 15-0.

Amendment (0888h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Food Stamp Program; Overpayment. Amend RSA 161 by inserting after section 9 the following new section:

161:10 Food Stamp Program; Overpayment. To the extent permitted by the Food Stamp Act of 1977, as amended, and federal regulations adopted thereunder, the department of health and human services shall terminate or waive any claim to reimbursement for the overpayment of food stamps if the overpayment was the result of department error and:

I. The amount of the overpayment is not more than \$450; or

II. The recipient's income is less than or equal to 2 times the federal poverty level.

2 Rulemaking; Food Stamp Program. Amend RSA 161:4-a, IV to read as follows:

IV. The development and administration of the food stamp program under RSA 161:2, XIII, *including procedures for waiver of food stamp overpayments.*

3 Approval by United States Department of Agriculture. The department of health and human services shall obtain approval from the United States Department of Agriculture for the collection practice established in section 1 of this act.

4 Contingency. Section 1 of this act shall take effect when the department of health and human services certifies to the secretary of state and the office of legislative services that the department has received approval from the United States Department of Agriculture pursuant to section 3 of this act. If the department's request is denied, the department shall certify the denial to the secretary of state and the office of legislative services, and section 1 of this act shall not take effect.

5 Effective Date.

I. Section 1 of this act shall take effect as provided in section 4 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes criteria for the department of health and human services to waive claims to reimbursement of food stamp overpayments that result from agency error.

HB 1708-FN, relative to Temporary Assistance to Needy Families (TANF) eligibility for 2-parent families. **INEXPEDIENT TO LEGISLATE.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill would set requirements for 2-parent families to be eligible for Temporary Assistance to Needy Families (TANF). At the time the bill was prepared, DHHS had not known of the implications of the TANF

reauthorization by Congress. The recent reauthorization reduces monies and programs contained in previous authorizations. Having the implications of the new authorization in hand, the committee felt that it would be inappropriate for a public policy viewpoint to initiate new programs under TANF. The new authorization is included in HB 1331. In addition, the House has already passed legislation (HB 1461) creating a task force to study the TANF program. The committee voted unanimously against this bill and the Department of Health and Human Services states the bill is no longer an issue or is needed. Vote 13-0.

HB 1709-FN, establishing an autism registry in the department of health and human services. **UGHT TO PASS WITH AMENDMENT.**

Rep. April H. Mason for Health, Human Services and Elderly Affairs: This bill establishes an autism registry in the Dept. of Health and Human Services. Best estimates indicate that one in 500 children born in the state will be diagnosed with an autism spectrum disorder. There is a clear need for greater accuracy in the reporting of epidemiological data on the incidence and prevalence of autism spectrum disorders (ASD) in the state. This bill would require that licensed health care providers, upon making the diagnosis of ASD, report such diagnosis to the state. This registry shall not be operational until grant money is secured. This registry will not require any appropriations from the Department of Health and Human Services and is not utilizing state funds. Once grant, donations, or other moneys are received, the State may opt to enter into an agreement with an appropriate entity for the management of the registry; such as a university or college. This registry is an important first step in understanding the increased prevalence of autism spectrum disorders in New Hampshire and how to best facilitate future planning. Vote 13-0.

Amendment (0892h)

Amend the bill by replacing all after the enacting clause with the following:

I Purpose and Intent. The general court finds and declares that:

I. Autism spectrum disorder (ASD) is a developmental disorder of brain function which is typically manifested in impaired social interaction, problems with verbal and nonverbal communication and imagination, and unusual or severely limited activities and interests. These symptoms generally appear during the first 3 years of childhood and continue throughout life, often taking devastating emotional and financial tolls on the families of the child with (ASD).

II. Best estimates indicate that one in 500 children born in the state will be diagnosed with ASD. However, these numbers may be understated because of current diagnostic procedures and reporting requirements. There is a clear need for greater accuracy in reporting as well as for information on the epidemiologic data on the incidence and prevalence of ASD in this state.

III. An autism registry is needed to improve current knowledge and understanding of ASD, to conduct thorough and complete epidemiologic surveys of the disorder, to enable analysis of this problem, and to facilitate planning for services to children with ASD and their families.

2 New Subdivision; Autism Registry. Amend RSA 171-A by inserting after section 29 the following new subdivision:

Autism Registry

171-A:30 Autism Registry.

I. There shall be established a state registry in the department which shall include a record of all reported cases of autism spectrum disorder (ASD) that occur in New Hampshire and other information relevant and appropriate to conduct thorough and complete epidemiologic surveys of ASD, to enable analysis of this problem, and to facilitate planning for services to children with ASD and their families. The department may enter into an agreement with an appropriate entity for the management of the registry; provided that any records and data submitted to the department pursuant to this subdivision shall be the property of the department.

II. Physicians, psychologists, and any other licensed or certified health care provider who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with ASD shall report all new cases of this diagnosis to the department in a form and manner prescribed by the commissioner. The report shall be in writing and shall include the name and address of the person submitting the report and the child's date of birth, gender, and zip code at birth residence, and the specific diagnosis of the child diagnosed as having ASD. The department shall assign a unique identification code to identify the child diagnosed as having ASD. The code shall not include the name or address of the child.

III. All information required to be reported under this subdivision shall be confidential. A physician, psychologist, or health care provider providing information to the department in accordance with this section shall not be deemed to be, or held liable for, divulging confidential information.

IV. Nothing in this section shall be construed to compel a child who has been reported as affected with ASD to submit to medical or health examination or supervision by the department.

171-A:31 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for reporting cases of ASD under RSA 171-A:30.

II. Content of all forms required under this subdivision.

III. Confidentiality of records and information reported pursuant to this subdivision.

3 Applicability. The department of health and human services shall seek grant money from the Centers for Disease Control and Prevention and any other appropriate entity and may accept grants, gifts, and donations from any source for the registry established in section 2 of this act. The department of health and human services shall not expend any state appropriations for any purpose related to the establishment of the registry. The autism registry shall not become operational until the grant or other appropriate grants or moneys are secured.

4 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill establishes an autism registry in the department of health and human services. Under this bill, health care providers who are qualified to make a diagnosis of autism spectrum disorder (ASD) are required to report new cases of ASD to the department. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill.

HB 1717-FN, requiring certain direct care services in nursing homes. **INEXPEDIENT TO LEGISLATE.**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: To meet recommended staffing standards developed by the National Citizens Coalition for nursing home reform this bill would require nursing homes to provide a minimum of 4 hours of direct nursing care for medically fragile elderly persons. The committee reluctantly deemed this bill inappropriate to legislate because of the difficulty nursing homes are already experiencing in hiring qualified nursing personnel, due to the shortage of trained RN's, LPN's, I's and other related health workers. Vote 13-0.

HB 1722-FN, relative to the New Hampshire council on developmental disabilities. **OUGHT TO PASS.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes the New Hampshire Council on Developmental Disabilities in the statutes. The New Hampshire Developmental Disabilities Council was established in 1971 under the Developmental Disabilities Assistance and Bill of Rights Act and has been an administratively attached board of the Department of Health and Human Services. This bill changes it to a free-standing entity. The federal government is requiring this change in order that advocacy entities are afforded a distance from those agencies they are monitoring on behalf of the client population. Vote 14-0.

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement. **OUGHT TO PASS.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The intent of this bill is to extend the life of the study committee established in 2005 under HB 697 which was formed to review Medicaid reimbursement rates. Based on that committee's final report submitted in November of 2005, it was determined that additional work still needed to be done by the committee. The work will include but not be limited to examining the cost which the state of New Hampshire pays for drugs, the "Most Favored Nation" issue as it affects the price that New Hampshire citizens on Medicaid pay for prescriptions and Medicaid reimbursement levels for co-payments to pharmacies. Vote 15-0.

HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers. **OUGHT TO PASS.**

Rep. Charles E. McMahon for Health, Human Services and Elderly Affairs: The intent of this bill is to extend the life of the study committee established in 2005 under HB 697 which was formed to review Medicaid reimbursement rates. Based on that committee's final report submitted in November of 2005, it was determined that additional work still needed to be done by the committee. The work will include but not be limited to investigating variable reimbursement rates to pharmacies and assessing the possibility of establishing a mail-order pharmaceutical program for Medicaid customers. Vote 15-0.

HB 1256, establishing a committee to study the feasibility of creating an independent administrative office of the courts. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: The thesis of this bill was that the present Administrative Office of the courts is unconstitutional because it was established by the Supreme Court by rule rather than by the Legislature and Governor by statute, and because the judicial branch, through the Chief Justice of New Hampshire, administers the courts rather than the executive branch agency. The bill proposed to study the federal court counterpart to our Administrative Office of the Courts, which was established by act of Congress, as part of an inquiry to determine which functions of New Hampshire's could be performed outside the judicial branch. At the public hearing, the prime sponsor agreed that if the federal counterpart was in substance the same as the present New Hampshire system — in particular, if it, too, is administered by the judicial branch, through the Chief Justice of the United States — he would not object to New Hampshire's administrative office to the courts being consisted as it is, as long as it were authorized by statute to do so. The committee was easily able to obtain the text of the federal statutes creating the federal administrative office and to determine that it does, in fact, closely resemble the present New Hampshire system. A study was therefore found to be unnecessary. The next step of filling a bill to provide specific legislative authorization for this system can be taken in the next legislative session, if desired. Vote 18-0.

HB 1277, providing limited immunity to mental health care providers caring for voluntarily admitted patients. **INEXPEDIENT TO LEGISLATE.**

Rep. James E. Wheeler for Judiciary: The sponsor was seeking protection from liability for mental health workers, who are negligent, when voluntarily admitted patients bring items into a mental unit with the intention of harming themselves. During the hearing and subsequent subcommittee meetings, it became apparent that the bill did not address the sponsor's issues and further that the language of the bill restates current law. During the subcommittee meeting the sponsor realized that he could not articulate how he wanted to change the law and after looking into the matter further, he decided that the best resolution would be to us ITL this bill. Since the bill did not change the current law, the committee agreed with the sponsor and recommends this bill inexpedient to legislate. Vote 20-0.

HB 1316, exempting records of the National Animal Identification System from the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert D. Mead for Judiciary: This bill would exempt certain records of the National Animal Identification System from the Right-To-Know law. This N.A.I.S system has not yet been put in place and therefore we would be passing an exemption without knowing what information it would entail. An exemption to the Right-to-Know law should only be supported if the harm that might be caused by disclosure outweighs the public's right to know. The committee felt that such harm was not demonstrated. Vote 20-0.

HB 1382, regulating the disclosure of personal information. **INEXPEDIENT TO LEGISLATE.**

Rep. Cynthia J. Dokmo for Judiciary: The committee supports the privacy concerns which this bill attempts to address. However, as written, the bill is too broad, and would have far reaching detrimental consequences. The committee urges the sponsor to submit future legislation, more narrowly drawn, to accomplish the goals intended. Vote 17-0.

HB 1388, relative to tenant security deposits and termination of tenancy. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy J. Elliot for Judiciary: This bill would double the security deposit on rental units to two months rent and would allow for eviction of a tenant at the end of a lease. The end of lease issue is being considered in HB 1548. It was determined that the increase of deposit would place an undue hardship on tenants, especially those new to the rental market. Vote 16-1.

HB 1505, relative to private actions under the consumer protection act. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Judiciary: The intent of the bill was to address frivolous class action law suits. Unfortunately the bill created more problems than it intended to solve. Given the limited time the committee has to attempt to work on the issue, the sponsor and the committee decided that this bill is inappropriate at this time. Vote 16-0.

HB 1512, relative to civil liability for volunteers. **OUGHT TO PASS WITH AMENDMENT.** Rep. James E. Wheeler for Judiciary: This bill is an issue that has been around for quite a while, and it always has quite a bit controversy surrounding it. The sponsor agreed that perhaps the best way to resolve this issue is to form a study committee, so the amendment replaces the bill with a study committee to study the issue of liability for people who volunteer in transportation, and other related issue to community transportation. The committee believes that if those on both sides can work through a study committee to try to come up with a proposal to address the issue of a dwindling supply of volunteer drivers that everyone can agree with that they should be given the chance to do so. Vote 16-0.

Amendment (0895h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study volunteer activity related to transportation.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the issues surrounding volunteer activity related to transportation.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall investigate issues surrounding the role of volunteers in a coordinated community transportation system, transportation liability, interstate transportation, and other areas as the committee deems appropriate. The committee shall consult with representatives from the New Hampshire Trial Lawyers Association, the New Hampshire insurance department, and the governor's task force on community transportation.

4 Chairperson; Quorum. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this act. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study volunteer activity related to transportation.

HB 1552, relative to the authority of land surveyors to enter onto land to make surveys. **INEXPEDIENT TO LEGISLATE.**

Rep. Gail C. Morrison for Judiciary: The intent of this bill is to allow land surveyors to enter onto the property of others to conduct land surveys exempting them from charges of trespass. This bill does not consider the rights of abutting property owners. No provision is made for advance notice. Further, testimony did not show a need for this legislature change. Vote 18-0.

HB 1554, relative to the amount paid for property in eminent domain. **REFER FOR INTERIM STUDY.**

Rep. Maureen C. Mooney for Judiciary: The committee received three House Bills this session relative to compensation for an eminent domain taking. The intent of all three was very similar. The subcommittee voted to place these bills into Interim Study as they may be incorporated into the final bill. The prime sponsor of this bill agreed with this decision. Vote 15-0.

HB 1596-FN, relative to eminent domain compensation. **REFER FOR INTERIM STUDY.**

Rep. Maureen C. Mooney for Judiciary: The House Judiciary Committee received three House bills this session relative to compensation for an eminent domain taking. The intent of this bill was very similar to the other two. The committee voted to place these bills into Interim Study as they may be incorporated into the final bill. Vote 16-0.

HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Wheeler for Judiciary: This bill arises out of a study committee in the fall of 2003; legislation was introduced in 2004 (HB 1394) that dealt with this issue, but some unresolved concerns were raised during the hearing on that bill, and the portions of HB 1394 that HB 1636 now deal with were removed. The Supreme Court took it upon itself to try and resolve the concerns that were raised in the hearing on HB 1394 in 2004 and requested that this bill be introduced. This bill provides that if a person appeals a Class A Misdemeanor conviction to the superior court de novo and then waives the right to a jury trial the person is automatically remanded to the district court for imposition of sentence. The other issue this bill resolves is the fact that currently in order to appeal an issue of law in a Class A Misdemeanor conviction to the Supreme Court a person is required to appeal de novo before they can bring the issue of law to the Supreme Court. This bill allows a defendant to appeal issues of law directly to the Supreme Court without going through a de novo trial if they so choose. The amendment fixes one technical error in the bill and with that correction we believe this bill ought to pass. Vote 17-0.

Amendment (0867h)

Amend RSA 599:1 as inserted by section 2 of the bill by replacing it with the following:

599:1 Appeals. A person convicted by a district court of a class A misdemeanor, at the time the sentence is declared, may appeal therefrom to obtain a *de novo* jury trial in the superior court, which shall hear the appeal except in cases in district courts served by regional jury trial courts as provided in RSA 502-A:12-a. The appeal shall be entered by the defendant at the next return day unless for good cause shown the time is extended by the superior court. If, after a jury trial in the superior court, the defendant is found guilty, the superior court shall sentence the defendant, and the defendant may appeal questions of law arising therefrom to the supreme court. In the event the defendant waives the right to jury trial after the case has been appealed, the superior court shall forthwith remand the case to the district court for imposition of the sentence originally imposed by the district court, and the defendant may appeal questions of law arising therefrom to the supreme court. In all misdemeanor cases which are appealed to superior court or in which defendants are bound over it shall be the duty of the superior court to transmit to the justice of the district court, within 10 days after the case is finally disposed of, a certificate showing the final disposition of the case.

Rep. Coughlin declared a conflict of interest and did not participate.

HB 1106-L, relative to charter commissions. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul R. Hopfgarten for Municipal and County Government: This legislation would not allow a new charter commission to be established for a period of 5 years after the final report of the existing charter commission is filed. This legislation would prevent both citizen petitions or town generated charter commission questions from being placed on the ballot for 5 years. In addition, if a charter that is passed has significant flaws including those of a constitutional or statutory flaw, that charter could not be corrected through the commission process. For these reasons, the committee could not recommend passage of this legislation. Vote 14-0.

HB 1257, relative to conflicts of interest of municipal officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for Municipal and County Government: Without the only sponsor of this bill in attendance at the hearing, the assumption that the committee must make is what is stated in the analysis of the bill. This bill requires municipal officials not to participate in any matters in which they have a financial interest. Planning and zoning board members shall not participate in any matter in which they have prejudged the outcome. The only testimony that was heard at the hearing was in opposition of the bill. The proposed amendment to RSA 31:39-a allows no participation in any matters that a municipal official may have a financial interest in. The bill possibly defines a financial interest as a "private interest." There is no definition of "private interest" which leads to confusion. The second part of this bill restricts planning and zoning board member participation in any matter in which they have prejudged their outcome. The committee heard testimony that this protection is already afforded in RSA 673:1 which addresses disqualification of any member. Vote 13-1.

HB 1273, relative to the disposition of municipal records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry S. Gale for Municipal and County Government: In 2005 the disposition of Municipal records was transferred from administrative rules to RSA 33-A. A municipal committee was charged with determining what municipal office would be responsible for the retention of each type of

record. In 2005 there were some municipal ordinances already in effect that were not recognized. Therefore section one of HB 1273 made a housekeeping change that recognized these ordinances. Also in section one the composition of the municipal records committee was changed by having representation of one assessor instead of a complete board of assessors. Section two clarified three retention schedules — current, welfare applications and property record cards — and added one retention schedule for Intent to Excavate. A non-germane amendment ratifying the acts, votes, and proceedings of the special meeting of the town of Brookline held on September 13, 2005. Vote 14-0.

Amendment (0865h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline.

Amend the bill by replacing all after the enacting clause with the following:

1 Municipal Committees; Duty Removed. Amend RSA 33-A:3 to read as follows:

33-A:3 Municipal Committees. The municipal officers or their designee together with the clerk, treasurer, [assessors] *an assessor*, and tax collector of each city or town shall constitute a committee to govern the disposition of municipal records pursuant to this chapter. *Unless otherwise provided by a municipal ordinance*, the committee shall designate the office responsible for the retention of each type of record created for the municipality.

2 Disposition and Retention Schedules. Amend RSA 33-A:3-a, XXIX to read as follows:

XXIX. Current use [~~card~~] *release*: [~~until removed from current use plus 3 years~~] *permanently*.

3 Disposition and Retention Schedules. Amend RSA 33-A:3-a, LII to read as follows:

LII. Health and human services case records *including welfare applications*: active plus 7 years.

4 Disposition and Retention Schedules. Amend RSA 33-A:3-a, CXII to read as follows:

CXII. Property record card: [~~permanently~~] *current and last prior reassessing cycle*.

5 New Paragraph; Disposition and Retention Schedules. Amend RSA 33-A:3-a by inserting after paragraph CLIII the following new paragraph:

CLIV. Intent to Excavate: completion of reclamation plus 3 years.

6 Special Meeting. All acts, votes, and proceedings of the special meeting of the town of Brookline held on September 13, 2005 are hereby legalized, ratified, and confirmed.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the committee to govern the disposition of municipal records to designate the office responsible for the retention of each type of record created for the municipality and changes certain retention schedules.

This bill also legalizes the September 13, 2005 special meeting of the town of Brookline.

HB 1445, relative to including “none of the above” on official ballot budgetary questions. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for Municipal and County Government: This bill would require official ballot municipalities to provide a third voting option on the ballot for budgetary questions only. The third option would be “none of the above.” The majority of the committee believes that would be potentially confusing. Voters can currently leave the ballot blank, which in essence is neither a “yes” or a “no” vote. In addition to adding confusion adding the third option would add more expense to municipalities because voting machines would have to be reprogrammed. Vote 13-1.

HB 1584, relative to cemetery setbacks and septic systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gilman C. Shattuck for Municipal and County Government: Many communities in New Hampshire have “Burial Grounds” (private cemeteries) scattered about the communities. It is long time public policy to avoid disturbance to known burial grounds. This bill requires that the location of known burial sites or cemeteries within or adjacent to the property on which a proposed sewage or waste disposal system is to be located be included on the plans for such a system. A common practice in earlier times was to do burials on occasion immediately outside the burial ground. This was known as “Burial in Pale.” To avoid disturbing possible remains in the area outside the stated area of the burial ground, a 25 foot buffer was established. This bill requires that plans for such systems must generally provide such a setback. The committee felt that these provisions would prevent disturbance to known burial grounds. Vote 14-0.

Amendment (0918h)

Amend RSA 485-A:29, I as inserted by section 1 of the bill by replacing it with the following:

I. Any person proposing either to subdivide land, except as provided in RSA 485-A:33, or to construct a sewage or waste disposal system, shall submit 2 copies of such locally approved plans as are required by the local planning board or other local body having authority for the approval of any such subdivision of land, which is subject to department approval, and 2 copies of plans and specifications for any sewage or waste disposal systems which will be constructed on any subdivision or lot for approval in accordance with the requirements of the department as provided in this paragraph. In the event that such subdivision plans which receive final local approval differ from the plans which are reviewed by the department, the person proposing the subdivision shall resubmit those plans to the department for reapproval. The planning board or other local body having final local approval authority shall submit one copy of such plans which receive final local approval to the department for informational purposes within 30 days of granting such final approval. The department shall adopt rules, pursuant to RSA 541-A, relative to the submission of plans and specifications as necessary to affect the purposes of this subdivision. The rules shall specify when and where the plans and specifications are to be submitted, what details, data and information are to be contained in the plans and specifications, *including the location of known burial sites or cemeteries within or adjacent to the property on which the proposed sewage or waste disposal system is to be located*, what tests are to be required, what standards, guidelines, procedures, and criteria are to be applied and followed in constructing any sewage or waste disposal system, and other related matters. The rules shall also establish the methodology and review process for approval of innovative/alternative wastewater treatment systems and for approval of a plan for operation, maintenance, and financial responsibility for such operations. For any part or parts of the subdivisions where construction or waste disposal is not contemplated, only the lot lines, property boundaries drawn to scale, and general soil and related data shall be required. The constructed sewage or waste disposal systems shall be in strict accordance with approved plans and the facilities shall not be covered or placed in operation without final inspection and approval by an authorized agent of the department. All inspections by the department shall be accomplished within 7 business days after receipt of written notification from the builder that the system is ready for inspection. Plans and specifications need not be submitted for subdivision approval for subdivisions consisting of the division of a tract or parcel of land exclusively in lots of 5 or more acres in area. The presence of hydric soils on lots of 5 or more acres in area shall be insufficient, without additional supporting data, to classify these lots as wetlands, or to make such lots unsuitable for sewage or waste disposal systems designed for poorly drained soils. This exemption in no way relieves any person from responsibility for obtaining approval under this chapter for construction of individual or other sewage or waste disposal systems or both in any exempted lots. In such cases, it shall be the responsibility of the subdivider to provide to the lot purchasers satisfactory assurance as the purchasers may require at the time of sale that lots sold shall be adequate to support individual sewage or waste disposal systems or both in accordance with rules adopted by the department and the requirements of this subdivision.

HB 1186, relative to the location of the Cheshire county superior court. **REFER FOR INTERIM STUDY.**

Rep. David B. Campbell for Public Works and Highways: The committee wishes to study this bill, which deals specifically with the location of Cheshire County superior Courthouse and more generally whether the location of County Court facilities throughout the state must be located in named county seat, or alternatively, if there are sufficient reasons, may be located in municipalities other than the county seat. Vote 15-1.

HB 1313, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge. **OUGHT TO PASS.**

Rep. James W. Danforth for Public Works and Highways: The committee feels that the naming of the bridge between the Towns of Newfields and Stratham "United States Submarine Veterans of World War II Memorial Bridge" is a proper and a fitting tribute to the silent service veterans of World War II. Vote 17-0.

HJR 23, designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin T. Tilton for Public Works and Highways: The state of New Hampshire previously established the Purple Heart Trail as being, in part, U. S. Route 4 from the border in Lebanon to

the intersection of Interstate Route 95. This resolution adds a spur to that trail, being from the northerly intersection of U.S. Route 4 and U.S. Route 3 in Boscawen and running northerly along U.S. Route 3 to the New Hampshire State Veterans Cemetery, approximately 1.5 miles. Additionally, this provides for the Department of Transportation to place appropriate markers designating this spur as the Purple Heart Trail and additional markers as appropriate along the full length of the previously established Purple Heart Trail. Vote 16-0.

Amendment (0715h)

Amend the resolution by replacing all after the title with the following:

Whereas, the state of New Hampshire has established the Purple Heart Trail as being, in part, U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95, the Military Order of the Purple Heart of the USA desires to add a spur to this trail, being from the northerly intersection of U.S. Route 4 and U.S. Route 3 in Boscawen and running northerly along U.S. Route 3 to the New Hampshire state veterans cemetery, approximately 1.5 miles; and

Whereas, this cemetery is being actively used by our veterans; and

Whereas, a number of these veterans are holders of the Purple Heart medal, including casualties from Operation Iraqi Freedom; and

Whereas, a Purple Heart Memorial monument has been recently placed on the Memorial Walkway at the cemetery; and

Whereas, New Hampshire has established the New Hampshire Purple Heart Trail, in part, as being U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95; and

Whereas, signs have been placed along said trail; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the portion of U.S. Route 3 from the intersection of U.S. Route 4 and U.S. Route 3 in Boscawen running northerly to the New Hampshire state veterans cemetery is hereby designated as a Purple Heart Trail spur; and

That the department of transportation shall place appropriate markers indicating the designation of this portion of U.S. Route 3 as the Purple Heart Trail spur; and

That the portion of the New Hampshire Purple Heart Trail being the length of New Hampshire U.S. Route 4 from the border in Lebanon to the intersection of Interstate Route 95 shall have appropriate signs placed along the full length of this trail; and

That the department of transportation shall place the additional markers indicating the designation of this route being the Purple Heart Trail.

HB 1146, establishing a committee to study renewable portfolio standards. **OUGHT TO PASS.** Rep. James M. Garrity for Science, Technology and Energy: This bill establishes a legislative study committee to explore all issues relating to Renewable Portfolio Standards (RPS) and their future potential as part of the state's energy policy. This bill is related, but not linked to SB 314, which is a more comprehensive RPS policy bill. If SB 314 does not survive, then HB 1146 will be in place to keep the subject of RPS in active discussion. The committee agrees that RPS is an important enough subject to study. Vote 15-0.

HB 1425, establishing a commission to study the efficacy of current laws in reducing exposure of children to lead hazards. **INEXPEDIENT TO LEGISLATE.**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill would establish a commission to study the "efficacy" of current laws regarding lead exposure and lead hazards to children. Efficacy means the power to produce an effect and the sponsors feel that current laws are not achieving their goals. Several supporters from the medical community offered testimony in support of the bill and in most instances had an opinion of what they felt was needed to reduce lead hazards for children. Committee members pointed to an existing program at HHS that deals with these issues. The NH Childhood Lead Poisoning Prevention Program (CLPPP) works to reduce the number of NH children with elevated blood lead levels. The program is a resource for NH residents who need help addressing the hazards of lead in their children's environment. The CLPPP conducts statewide surveillance, provides medical case management and home inspections for lead-poisoned children, and provides information and referral for reduction and abatement of lead hazards. There is a lead study and action bill currently in the Senate (SB 250) and the committee feels that the sponsors would be better served by consolidating their efforts in this broader bill. Vote 14-2.

HB 1431, relative to air permit applications. **INEXPEDIENT TO LEGISLATE.**

Rep. Roy D. Maxfield for Science, Technology and Energy: This bill attempts to modify RSA 125C (Air Pollution Control) by requiring the Department of Environmental Services to make significant revisions to the current air permitting process. There are currently 450 sources which hold air permits in New Hampshire. DES acts on approximately 150 air permit applications every year including renewals and modifications. The department conducts comprehensive air quality impact reviews that provide an opportunity for public participation while considering the economical and business needs for the state. This bill would have significant fiscal impact on the Department of Environmental Services by mandating at least an additional 150 public hearings on an annual basis. The estimated added cost to the department would be \$375,500 per year. It would cause considerable delay and expense for an applicant by elimination of the dual tract in current law to obtain local zoning ordinance, building or zoning code approvals. The New Hampshire Department of Environmental Services air permit does not currently authorize a company to build any facility that a local zoning ordinance prohibits. Any permit that the department approves is further subject to appeal to the state Air Resource Council made up of members of the general public, environmental advocates, medical professionals and industry. The committee agreed that our current laws provide significant oversight by the DES and appropriate public notice and interaction. Vote 14-0.

HB 1691-FN, establishing a geothermal assessment project. **INEXPEDIENT TO LEGISLATE.**

Rep. Gene F. Andersen for Science, Technology and Energy: The committee decided that this bill may be a valuable tool towards alternate energy production. However, the committee believes that the Department of Environmental Services (DES), which would be the direct source for the implementation process, could apply for federal funds for implementation of the project or otherwise include the implementation of the assessment project in the upcoming budget for DES. Vote 13-0.

HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission. **OUGHT TO PASS.**

Rep. Kris Roberts for State-Federal Relations and Veterans Affairs: The committee agrees with the recommendation from the state liquor commission to extend canteen privileges to the members of Veteran's non-profit groups. This change will allow a veteran's club if authorized and approved by a majority of the members of one or more nationally-recognized veterans nonprofit groups to exercise canteen privileges, within the same facility and use of the liquor license of original building owner. These veteran organizations provide valuable community services. Vote 10-0.

HCR 23, urging the President to find it necessary to drawdown the strategic petroleum reserve. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: The committee understands the financial impact of oil prices on the citizens of New Hampshire. However, due to the lack of refining capacity, any release from the strategic oil reserve would most likely end up on the world market providing little or no benefit to the American public. The purpose of the strategic oil reserve is to protect the United States from unanticipated losses or stoppage of oil supply. With the uncertainty concerning the Iranian nuclear intention, the committee doesn't believe it would be a wise strategic move to release crude oil supplies at this time. Vote 10-0.

HB 1201, relative to child passenger restraints. **OUGHT TO PASS.**

Rep. Sherman A. Packard for Transportation: This bill clarifies the language in the child passenger booster seat law. It makes clear that once a child reaches the age of six years old or a height of 55 inches they no longer need to be in a booster seat. Currently, law enforcement believes that both provisions have to be attained. This was not the legislative intent when passed. Vote 10-0.

HB 1261, relative to driver's license revocation or denial for drugs or alcohol involvement. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer M. Brown for Transportation: This is one of the two bills with the same intent. This one gives the Director of the Department of Motor Vehicles the authority to take someone's license based on a non motor vehicle related drug or alcohol charge. We felt that authority should be in the hands of the courts. HB 1448 that the committee amended and passed will put this decision in the hands of the courts. Vote 13-0.

HB 1270, relative to the use of wireless telephones while driving. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have fined an operator of a motor vehicle for using a cell phone that was not of the "hands free" style, with some exceptions. At

least 18 states have compiled statistics and the findings are conclusive; distractions such as reading maps, eating, changing radio stations, attending the children and pets, and outside distractions are ahead of talking on a cell phone. Thousands of calls are placed to 911 from wireless phones. People are reporting emergencies, impaired drivers, watching criminal activity and the list goes on. We have all encountered the distracted driver talking on the cell phone on our trips to Concord. They slow down and speed up too often, they road travel, they pay no attention to signs and lights; as a matter of fact this goes on even when drivers aren't talking on the phone. Cell phones are the distraction people love to hate. As suggested, cell phone laws should be the same state to state. "Hang up and drive" could become the new federal slogan. While the Transportation Committee does not encourage people to use their cell phones while driving, we do encourage the education of safety hazards no matter what the distraction and the consequences thereof. Vote 12-0.

HB 1297, relative to requirements for a vehicle dealer license. **INEXPEDIENT TO LEGISLATE.** Rep. Sherman A. Packard for Transportation: This bill would prevent any person convicted of a felony from obtaining a motor vehicle dealer license. This seems like a good idea to prevent any less than honest person from engaging in the business of selling cars. Many problems surround this proposal. Is it fair to punish someone for life, who may have made a mistake when they were young and have since become an honest hardworking citizen? Many dealerships today are mega dealerships owned by numerous people or corporations. These mega dealers hire General Managers to run the different dealerships. Would we not then want General Managers, Sales Managers and Financial Managers to also be free of any felony convictions? This bill would also not apply to these small dealers who do not possess dealer plates. Finally, the requirement to acquire a franchise for selling new motor vehicles today is far more stringent than the provision of this proposed law. Vote 10-0.

HB 1484, relative to including motorcycle safety in driver education courses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: This bill as amended requires that a minimum of 45 minutes of a nationally recognized motorcycle awareness course be included in the current 30 hours of driver education. Also, required would be a minimum of 45 minutes of a nationally recognized course on heavy truck and tractor trailer awareness. Both courses would be approved by the Director. With more motorcycles and trucks on the road the committee felt teaching awareness of these different vehicles was important to help reduce the increasing number of accidents between cars and these different vehicles. This would not increase the number of classroom hours currently at 30 hours. Only some instructors are currently teaching these subjects and this would put uniformity into the driver training program. Vote 10-0.

Amendment (0946h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to including motorcycle and tractor-trailer safety in driver education courses.

Amend the bill by replacing section 1 with the following:

1 Driver Education; Motorcycle and Tractor-Trailer Safety. Amend RSA 263:19, I to read as follows:

I. A driver's license may be issued subject to the provisions of this chapter to a person under the age of 18 years who has attained his *or her* sixteenth birthday, if such person shall present a certificate of successful completion of a driver education course given by a public or nonpublic secondary school and approved by the department of education in cooperation with the department of safety or given by a motor vehicle drivers' school licensed under the provisions of this chapter. An approved driver education course, whether conducted by a secondary school or by a school licensed under this chapter, shall consist of both classroom instruction and behind the wheel driver training of not less than 10 hours, in accordance with rules adopted pursuant to RSA 541-A, published jointly by the commissioner of education and the commissioner of safety, such standards to be not less than those presently required. *The classroom instruction shall include 45 minutes of a nationally-recognized motorcycle safety education course approved by the director and the motorcycle rider education program advisory committee and 45 minutes of a nationally-recognized tractor-trailer safety education and awareness course approved by the director.* The department of safety, by the nature of its function, shall be held ultimately responsible for setting and maintaining the quality standards for driver education in the state, aided and facilitated by the department of education. This authority shall apply uniformly over both secondary school courses and private motor vehicle drivers' school courses.

AMENDED ANALYSIS

This bill requires motorcycle and tractor-trailer safety education in driver education courses.

HB 1664-FN, relative to nondriver identification cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Motor Vehicles to issue non-driver identification cards at public and private schools throughout the state. The cards would be issued to children starting at 10 years of age, would have a photo, name, address, citizenship, ID number, date of birth, optional blood type and signature. The cost would have been \$10 and \$15. The bill would have required the department to mobilize vans or motor homes, hire and train more personnel at a great cost. Because not everyone would do this the 50 percent the Department of Motor Vehicle gets would not even begin to cover the cost. The committee felt that more information on how the national identification program will be administered is necessary. It may take care of the problem. Vote 14-0.

HB 1444, relative to definitions under the real estate transfer tax. **OUGHT TO PASS.**

Rep. Jim Ryan for Ways and Means: This bill is a "housekeeping" bill that closes a loophole in the real estate transfer tax by clarifying certain definitions, eliminating surplus language and altering a rigid formula for determining whether a company is "principally" engaged in the business of real estate. The bill was unanimously supported at the hearing and is filed at the request and with the approval of the DRA. Accordingly, the committee recommends that this be ought to pass. Vote 19-0.

HB 1460-FN-A, establishing a deduction against the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for Ways and Means: This bill would have established a deduction against the business profits tax for FICA taxes of tipped employees taken as a credit instead of a deduction on federal income taxes. Some restaurants elect to take the federal credit to reduce taxes but then lose a bit on state tax calculations. They want both. The committee agreed with the Commissioner of Revenue Administration that state law should not be changed only to maximize federal tax breaks. Vote 19-0.

HB 1618-FN-A, relative to net operating loss deductions under the business profits tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Ryan for Ways and Means: The Department of Revenue Administration is concerned that in certain instances the application of credit from the BET to the BPT creates what tax planners enjoy calling a "double" target of taxable opportunity. Concern was demonstrated by the DRA Commissioner that in certain instances the value of a credit may have a value of eight cents greater than the credit amount of one dollar. The committee, and later a subcommittee, attempted to craft a response, but in each instance had results with unintended consequences such as either affecting cyclical business entities or by increasing business taxes. The committee appropriately declined to pass legislation that requires more analysis both by the agency and taxpayers prior to legislative analysis. The committee voted to recommend this bill as Inexpedient to Legislate, but does forecast that the issue will be revisited in the next term. Vote 19-0.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

REGULAR CALENDAR

HB 1127, relative to obligation of religious leaders to report child abuse. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mary Stuart Gile for the Majority of Children and Family Law: This bill was introduced to amend RSA 516:35 (Privileged Communications, Religious Leaders) to make it consistent with RSA 169-C:29, (NH Child Protection Act). Both statutes have been in NH law since 1979. The complexities resulting from the interpretation and application of RSA 516:35, without amendment, have caused confusion with consequence for children. The majority of the committee agreed that Interim Study and further discussion may help to resolve the ambiguity inherent in these two statutes and allow time to make further recommendations, if necessary. Vote 10-5.

Rep. Karen K. McRae for the Minority of Children and Family Law: The minority of the committee supported the subcommittee report of Inexpedient to Legislate. This issue is fraught with constitutional issues as well as religious ramifications and has been studied this year as well as two years ago. The minority feels that the study will not result in an effective way to prevent child abuse or neglect. Rep. Mooney requested a roll call; sufficiently seconded.

YEAS 208 NAYS 111**YEAS 208****BELKNAP**

Millham, Alida
Russell, David

Morrison, Gail
Thomas, John

Neddeau, Stephen
Tobin, William

Pilliod, James

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Brown, Carolyn
McConkey, Mark

Buco, Thomas
Merrrow, Harry

Dickinson, Howard
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Espiefs, Peter
Pelkey, Stephen
Tilton, Anna

Butynski, William
Foote, Sheila
Plifka, Stanley Jr
Weed, Charles

Chase, William
Hogancamp, Deborah
Richardson, Barbara

COOS

Buzzell, Bernard
Morneau, Renney

King, Frederick
Remick, William

Mears, Edgar
Stohl, Eric

Merrick, Scott
Tholl, John Jr

GRAFTON

Almy, Susan
Gionet, Edmond
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra
Sorg, Gregory

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Cooney, Mary
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey
Brassard, Paul
Clemons, Jane
Daniuk, Caitlin
Essex, David
Ginsburg, Ruth
Haley, Robert
Holden, Randolph
Kurk, Neal
Matarazzo, Anthony Sr
Pappas, Christopher
Schulze, Joan
Sullivan, Francis
Wheeler, Robert

Baroody, Benjamin
Calawa, Leon Jr
Cote, David
Desmarais, Vivian
Foster, Linda
Golding, William
Hall, Betty
Judy, Jean
Lasky, Bette
Michon, Stephen
Reeves, Sandra
Shattuck, Gilman
Sullivan, Peter

Beaulieu, Jane
Campbell, David
Cote, Peter
DeVries, Betsi
Gargasz, Carolyn
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Lessard, Rudy
Movsesian, Lori
Rosenwald, Cindy
Shaw, Barbara
Velez, Hector

Bergin, Peter
Chase, Claudia
Craig, James
Drisko, Richard
Garrrity, Patrick
Gorman, Mary
Hawkins, Ken
Kopka, Angeline
Manney, Pamela
Palangas, Eric
Ryder, Donald
Shaw, Kimberly
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Clarke, Claire
Gile, Mary
L'Heureux, Stephen
McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane

Blanchard, Elizabeth
DeJoie, John
Greco, Vincent
MacKay, James
Osborne, Jessie
Ryan, Jim
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Marple, Richard
Owen, Derek
Shurtleff, Stephen

Brueggemann, Donald
French, Barbara
Kidder, David
Maxfield, Roy
Potter, Frances
Tilton, Joy

ROCKINGHAM

Bishop, Franklin
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Fesh, Bob
Gould, Kenneth
Ingram, Russell

Bridle, Russell
Casey, Kimberley
Donahue, Richard Ken
Flanders, John Sr
Griffin, Mary
Johnson, Robert

Brown, C.
Charron, Gene
Dowling, Patricia
Flockhart, Eileen
Hughes, Daniel
Langley, Jane

Buxton, Donald
Cooney, Richard
Doyle, Christopher
Forsing, Robert
Hutchinson, Karen
Major, Norman

McKinney, Betsy
O'Neil, Michael
Rausch, James
Splaine, James
Welch, David
Zolla, William

Moody, Marcia
Palazzo, Frank
Robertson, Carl
Stiles, Nancy
Weldy, Norman

Morris, Richard
Powers, James
Robinson, John
Stone, Joseph
Wells, Roger

Norelli, Terie
Priestley, Anne
Rolston, James
Weare, E Albert
Winchell, George

STRAFFORD

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Julie
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Brown, Lawrence
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

NAYS 111

BELKNAP

Allen, Janet
Rosen, Ralph
Whalley, Michael

Boyce, Laurie
Tilton, Franklin

Fitzgerald, James
Veazey, John

Heald, Bruce
Wendelboe, Fran

CARROLL

Babson, David Jr
Stevens, Stanley

Chandler, Gene

Martin, James

Philbrick, Donald

CHESHIRE

Emerson, Susan
Sawyer, Sheldon

Parkhurst, Henry

Pratt, John

Roberts, Kris

COOS

Richardson, Herbert

Theberge, Robert

GRAFTON

Eaton, Stephanie

Ingbreton, Paul

Mirski, Paul

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Christensen, D L Chris
Crane, Elenore Casey
Gibson, John
Hellwig, Steve
L'Heureux, Robert
O'Connell, Timothy
Price, Pamela
Rowe, Robert
Vaillancourt, Steve

Batula, Peter
Brundige, Robert
Christiansen, Lars
Elliott, Nancy
Goyette, Peter Jr
Hinkle, Peyton
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Wheeler, James

Bergeron, Jean-Guy
Buhlman, David
Clark, Mark
Emerton, Larry
Graham, John
Jasper, Shawn
Mooney, Maureen
Pepino, Leo
Rochette, Eric
Souza, Kathleen

Biundo, Michael
Carew, James
Coughlin, Pamela
Francoeur, Bea
Hagan, Barbara
Jean, Claudette
O'Brien, William
Pilote, Maurice
Ross, Lawrence
Ulery, Jordan

MERRIMACK

Danforth, James
Lockwood, Priscilla

Field, William
Waltz, Mary Beth

Hess, David
Whiting, Herbert

Langlais, Thomas

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert

Allen, Mary
Cady, Harriet

Belanger, Ronald
Camm, Kevin

Bettencourt, David
Coburn, James

Dalrymple, Janeen	Dowd, John	Dumaine, Dudley	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Hopfgarten, Paul	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
McMahon, Charles	Nowe, Ronald	Packard, Sherman	Quandt, Marshall Lee
Quandt, Matthew	Sanders, Elisabeth	Scamman, Stella	Waterhouse, Kevin
Weyler, Kenneth			

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford		

SULLIVAN

Donovan, Thomas Osgood, Philip Sr Rodeschin, Beverly

and the majority committee report was adopted.

Rep. Carson did not vote and notified the Clerk that she wished to be recorded in favor.

HB 1580, relative to the child support formula. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. David A. Bickford for the Majority of Children and Family Law: This bill, as amended, utilizes time spent in each parents' home as part of the formula to determine the child support amount. Therefore, both parents have an appropriate means of providing for their children. The court is required to retain the calculation used to determine the child support obligation and give the rational for why it did or did not deviate when the issue of special circumstances is brought before the court. This hopefully will bring fairness to both parents and their children. Vote 7-5.

Rep. Carolyn M. Gargas for the Minority of Children and Family Law: Even though changes to the Child Support formula need to be considered, the changes in this bill are premature. The Child Support Commission has not completed its work including the financial analysis by an economist. According to some who work in the field of family law, there is no urgency for this formula.

Majority Amendment (0985h)

Amend the bill by replacing all after the enacting clause with the following:

1 Child Support; Definitions; Adjusted Gross Income and Child Support Obligation. Amend RSA 458-C:2, I-II to read as follows:

I. "Adjusted gross income" means gross income, less:

(a) Court-ordered or administratively ordered support actually paid to others, for adults or children.

(b) Fifty percent of actual self-employment tax paid.

(c) Mandatory, not discretionary, retirement contributions.

(d) Actual state income taxes paid.

(e) Amounts actually paid by the ~~[obligor]~~ **person** for allowable child care expenses or medical insurance coverage for the minor children to whom the child support order applies.

I-a. "Allowable child care expenses" means actual work-related child care expenses for the children to whom the order applies, up to no more than an annual total of \$5,000 for one child, \$9,000 for 2 children, and \$12,000 for 3 or more children.

II. "Child support obligation" means the ~~[proportion of total]~~ support obligation which the obligor parent is ordered to pay in money to the ngrat parent as child support as determined by the calculations set forth in RSA 458-C:3, II(a).

2 Child Support; Definition of Minimum Support Order and Net Income. Amend RSA 458-C:2, V-VI to read as follows:

V. "Minimum support order" means an order of support equal to \$50 per month. ***There shall be no minimum support if both parents or parties have an equal child support obligation.***

VI. "Net income" means the parents' ~~[combined]~~ adjusted gross income less standard deductions published on an annual basis by the department of health and human services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people.

~~[(a) Federal income tax;~~

~~(b) F.I.C.A.]~~

3 Child Support; Definition of Percentage. Amend RSA 458-C:2, IX to read as follows:

IX. "Percentage" means the numerical figure that is applied to net income *as part of the calculation* to determine the amount of child support.

4 Child Support Formula. RSA 458-C:3 is repealed and reenacted to read as follows:

458-C:3 Child Support Formula.

I. Number of Children	Percentage of Net
1	25 percent
2	33 percent
3	40 percent
4 or more	45 percent

The number of children in the same household for which child support is paid shall determine the percentage applied against net income.

II.(a) The child support obligation shall be determined in a separate calculation for each parent or party by multiplying each parent's or party's annual net income, as defined in RSA 458-C:2, VI, by the appropriate percentage derived from this section divided by 365.25 then multiplied by the number of days within the year that the other parent or party has residential responsibility for the dependent child or children, as specified in the court-approved parenting plan if one exists. The parent or party with the greater annual child support obligation shall be designated as the obligor and the child support owed to the other parent or party shall be based upon the obligor's annual child support obligation less the annual child support obligation of the other parent or party. If both parents or parties have an equal annual child support obligation, no child support payment shall be ordered by the court.

(b) In cases where public assistance is provided on behalf of the dependent child or children and the right to support is assigned to the department of health and human services, the department's net income shall be zero for purposes of the child support guidelines calculation.

(c) The court shall determine the frequency of the obligor's child support payments in the child support order.

(d) All child support payments calculated pursuant to this chapter shall be rounded to the nearest whole dollar.

III. The self-support reserve and minimum child support obligation shall be calculated as follows:

(a) If the obligor's gross income is less than the self-support reserve and the court has determined that the obligor is not voluntarily unemployed or underemployed, the court shall order the child support obligation in the amount of a minimum support order.

(b) If the obligor's gross income is greater than the self-support reserve but payment of the order as calculated under this chapter would reduce the obligor's income below the self-support reserve, the obligor's child support obligation shall be presumed to be the difference between the self-support reserve and that parent's adjusted gross income, but in any event shall be no less than the amount of a minimum support order.

5 New Section; Child Support Guidelines Worksheet. Amend RSA 458-C by inserting after section 3 the following new section:

458-C:3-a Child Support Guidelines Worksheet. At every hearing in which child support is involved, the party seeking the order shall file a child support guideline worksheet, as published by the department of health and human services, division of child support services, duly completed by either the party or attorney. The other party shall file a child support guideline worksheet if the guideline amount is in dispute. In any case where the court or court personnel complete or assist the parties in the completion of a child support guidelines worksheet, the worksheet shall be retained in the court file and made available for inspection at the request of the parties. In any event, the worksheet that results in the ordered child support obligation shall be kept in the file and available to the parties. The fact that the parties have agreed to an amount or may be requesting adjustments to the child support guidelines shall not suspend the requirements of this section. In cases where the other party has failed to disclose his or her income, a worksheet shall be completed using a reasonable estimate of that party's income.

6 New Paragraph; Application of Guidelines. Amend RSA 458-C:4 by inserting after paragraph IV the following:

V. The court shall provide the calculations for child support and the rationale for deviating from the guidelines, including reasons why or why not there were adjustments for special circumstances in accordance with RSA 458-C:5.

7 Repeal. RSA 458-C:2, XI, relative to the definition of total support obligation, is repealed.

8 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill amends the child support formula so that child support amounts are based primarily on income and the amount of time that the child spends with each parent. The bill also directs the parties to file their child support worksheets with the court and requires the court to provide the basis for either adjusting or declining to adjust the guidelines for special circumstances. Majority committee amendment adopted.

The question now being adoption of the majority committee report.
 Reps. Gargasz and Flockhart spoke against.
 Rep. Matarazzo spoke in favor and yielded to questions.
 Rep. Bickford spoke in favor and requested a roll call; sufficiently seconded.

YEAS 186 NAYS 146

YEAS 186

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Chandler, Gene	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Coates, Christopher	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Pelkey, Stephen	Sawyer, Sheldon	Weed, Charles	

COOS

Buzzell, Bernard	Mears, Edgar	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Benn, Bernard	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Ingbretson, Paul	Mirski, Paul	Naro, Debra	Solomon, Peter
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Chase, Claudia	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Garrity, Patrick
Golding, William	Goley, Jeffrey	Graham, John	Hagan, Barbara
Haley, Robert	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Judy, Jean	Kurk, Neal
L'Heureux, Robert	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Palangas, Eric	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rochette, Eric	Ross, Lawrence	Rowe, Robert
Scanlon, Michael	Shaw, Barbara	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	DeStefano, Stephen
Field, William	Kennedy, Richard	Kidder, David	L'Heureux, Stephen
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Tilton, Joy
Tupper, Frank	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Doyle, Christopher	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Garrity, James	Gilbert, Karl	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Rolston, James
Sanders, Elisabeth	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Heon, Richard	Hollinger, Jeffrey	Miller, Joseph	Newton, Clifford

SULLIVAN

Gale, Harry	Jillette, Arthur Jr	Osgood, Philip Sr
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NAYS 146**BELKNAP**

Millham, Alida	Morrison, Gail	Nedeau, Stephen
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CARROLL

Brown, Carolyn	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Philbrick, Donald		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			

COOS

Merrick, Scott	Remick, William	Theberge, Robert
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GRAFTON

Almy, Susan	Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda			

HILLSBOROUGH

Beaulieu, Jane	Bergin, Peter	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Drisko, Richard	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Francoeur, Bea	Gargas, Carolyn
Gibson, John	Ginsburg, Ruth	Gorman, Mary	Goyette, Peter Jr
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Michon, Stephen	Movsesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly	Sullivan, Francis
Sullivan, Peter			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Hess, David	Lockwood, Priscilla	MacKay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	

ROCKINGHAM

Abbott, Dennis	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dowling, Patricia	Flockhart, Eileen	Francoeur, Sheila
Gould, Kenneth	Hutchinson, Karen	Langley, Jane	Moody, Marcia
Norelli, Terie	O'Neil, Michael	Powers, James	Priestley, Anne
Robertson, Carl	Robinson, John	Scamman, Stella	Splaine, James

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinizy, James	Prichard, Stephen

Rodeschin, Beverly

and the majority committee report was adopted.

Ordered to third reading.

HB 1374, establishing a committee to require personal information holders to disclose a security breach. **REFER FOR INTERIM STUDY.**

Rep. Jane S. Langley for Commerce: The committee has heard four bills dealing with this subject and has recommended HB 1404 and HB 1414-FN as Inexpedient to Legislate, but has incorporated all the issues of concern into HB 1660-FN. The committee felt that it was prudent to keep one bill in committee pending the outcome of HB 1660-FN and therefore recommended refer to interim study. Vote 15-0.

Rep. Sheila Francoeur yielded to questions

Committee report adopted.

HB 1404, relative to breach of security of computerized personal information. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles L. Clark for Commerce: The bill is another in a group of proposed identity theft related legislation which the committee decided to find Inexpedient to Legislate in order to fold it into HB 1660-FN. Vote 15-0.

Committee report adopted.

HB 1542, relative to responsible drug advertising. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James R. Martin for the Majority of Commerce: This is another attempt to regulate prescription drug advertising. It deems any drug advertising "false" unless the ad includes a black box warning label stating that this is a prescription drug. It makes advertising without such a warning a misdemeanor or a felony and provides for a minimum of \$25,000 in damages and up to three times actual damages. Prescription drug advertising is likely preempted by federal law, indeed the FDA recently announced that it preempts all prescription drug labeling (the package insert). When prescription drug ads refer to matters included in the package inserts, the ads must fairly present the contents of the package inserts. First, it appears that this bill is unnecessary because virtually all prescription drug ads already state they are by prescription only. Second, this bill would violate the First Amendment of the United States Constitution which not only protects the right to speech but also the right not to

speak. "Forced speech" also violates the First Amendment. The bill also violates the Commerce Clause of the United States Constitution in that this bill would place an unreasonable burden on interstate commerce. It would be virtually impossible for a nationwide magazine or newspaper to include special ads just for New Hampshire. As such, the bill places an impermissible burden on interstate commerce and violates the Commerce Clause. Finally, the penalty provisions apply to "whoever violates" thus punishing not only pharmaceutical companies, but also those who publish the ads such as newspapers, magazines, radio and television stations. Vote 13-3.

Rep. Bonnie G. Mitchell for the Minority for Commerce: While the majority believes that the FDA is "doing a fine job" in regulating prescription drugs and advertising, the minority believes there are many areas of drug regulation, particularly advertising, where consumer safety would be enhanced by complementary state law. Prescription drug abuse is an epidemic. There are now more people abusing prescription drugs than those who abuse heroin, cocaine and methamphetamines, combined! Research estimates 15 million Americans abuse prescription drugs. There is a clear need for consumer protection, which is the historic and constitutionally protected domain of the states. Yet New Hampshire has been unwilling to protect the public in an area that the White House has labeled as an epidemic, prescription drug abuse. We should not be surprised that prescription drug abuse has spiked over the past several years. Since 1997, the drug industry has increased spending on advertising from \$265 million to nearly \$4 billion today. But the public continues to lack basic, understandable safety information. Ads tell people, especially kids, that these drugs are "good," "make you sexy" or "will make your life better". Why are we surprised that prescription drug abuse is increasing? As we know, advertising is a powerful medium, but warnings continue to be inadequate. A representative of the FDA's medical experts told a Congressional panel that federal drug regulators were "virtually incapable of protecting America." This bill seeks to add safety information to advertisements. The warning says, "State Law Requires a Prescription For Use, Do Not Try To Diagnose Yourself. That Should Only Be Done By A Healthcare Professional." This makes the public aware that they are receiving information about a powerful prescription drug. While the majority insists this information "is always" presented in ads, the minority is amazed at the creative ways the drug industry has found to downplay the recognition of this fact by consumers. For its part, the minority makes two further arguments against this bill: Federal Preemption and the Commerce Clause, relative to interstate commerce, both of which are questionable. While the drug industry, and more recently the FDA, has argued for federal preemption of all state drug regulation, this simply does not exist. In fact recent FDA rules changes, which again purported federal preemption, was met with a stinging rebuke from the President of the National Conference of State Legislators. Simply put, just because the drug industry and FDA want preemption, does not make it so. This bill does not frustrate FDA efforts, it enhances public safety. Finally, this bill, as a proposed state law, will only affect advertising specifically subject to New Hampshire state law. We are free to protect New Hampshire consumers as we see fit. We have done this in other areas such as banking, securities and tobacco advertising. While neighboring states have different laws in these areas, there is no Commerce Clause violation, nor is there in this bill. The minority believes that this committee has a duty to protect consumers. This duty extends to protecting New Hampshire consumers from the current epidemic of prescription drug abuse, as labeled by the White House.

Rep. DeJoie spoke against and yielded to questions.

Rep. James Martin spoke in favor and yielded to questions.

On a division vote, 231 members having voted in the affirmative and 93 in the negative, the majority committee report was adopted.

Rep. Baroodly declared a conflict of interest and did not participate.

(Deputy Speaker Weyler in the Chair)

HB 1151, relative to the prohibition of illegal aliens. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee shares the sponsor's concern with the problem of illegal immigration. The federal government has clearly failed to provide a tough, effective enforcement scheme, and there is a clear need for a change in existing policies. Unfortunately, HB 1151 would create more problems than it would solve. The legislation would require New Hampshire business owners to perform a review of documentation with little guidance or training in such procedures. It would require businesses to comply with confusing and conflicting regulatory and record-keeping requirements, creating a chaotic environment for New Hampshire businesses. In addition, the United States Immigration and Nationality Act

explicitly prohibits states from enacting state-level employer sanction laws, raising serious questions as to the constitutionality of this legislation. While we are unable to support HB 1151 in its current form, we believe public attention should remain focused on this issue. Vote 18-0.

Rep. Ulery spoke against.

Rep. Peter Sullivan spoke in favor.

Rep. Ulery requested a roll call; sufficiently seconded.

YEAS 236 NAYS 92

YEAS 236

BELKNAP

Clark, Charles	Flanders, Donald	Heald, Bruce	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Veazey, John		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Espies, Peter	Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS

King, Frederick	Mears, Edgar	Merrick, Scott	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	Sokol, Hilda
Williams, Burton			

HILLSBOROUGH

Aboshar, Jeffrey	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Brassard, Paul	Chase, Claudia	Christensen, D L Chris
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Garrity, Patrick	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Jean, Claudette	Jeudy, Jean
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen
Movesian, Lori	O'Connell, Timothy	Palangas, Eric	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen

French, Barbara
Kennedy, Richard
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Gile, Mary
Kidder, David
Marple, Richard
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Hamm, Christine
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bridle, Russell
Charron, Gene
Dowd, John
Flanders, John Sr
Garrity, James
Hughes, Daniel
Katsakiores, George
Major, Norman
Nowe, Ronald
Powers, James
Robinson, John
Splaine, James
Welch, David

Allen, Mary
Brown, C.
Coburn, James
Dowling, Patricia
Flockhart, Eileen
Gilbert, Karl
Hutchinson, Karen
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Priestley, Anne
Rolston, James
Stone, Joseph
Weldy, Norman

Belanger, Ronald
Cali-Pitts, Jacqueline
Cooney, Richard
Doyle, Christopher
Forsing, Robert
Gould, Kenneth
Ingram, Russell
Kobel, Rudolph
Morris, Richard
Packard, Sherman
Rausch, James
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger

Bishop, Franklin
Casey, Kimberley
Dalrymple, Janeen
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Johnson, Robert
Langley, Jane
Norelli, Terie
Palazzo, Frank
Robertson, Carl
Scamman, Stella
Weare, E Albert
Winchell, George

STRAFFORD

Brown, Jennifer
Heon, Richard
Kaen, Naida
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Creteau, Irene
Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizey, James

NAYS 92

BELKNAP

Allen, Janet
Tilton, Franklin

Boyce, Laurie
Tobin, William

Fitzgerald, James
Wendelboe, Fran

Rosen, Ralph
Whalley, Michael

CARROLL

Dickinson, Howard

CHESHIRE

Coates, Christopher

Emerson, Susan

Pelkey, Stephen

Roberts, Kris

COOS

Morneau, Renney

Remick, William

GRAFTON

Gionet, Edmond
Solomon, Peter

Giuda, Robert
Sorg, Gregory

Ingbreton, Paul

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Carew, James

Balboni, Michael
Brundige, Robert
Christiansen, Lars

Bergeron, Jean-Guy
Buhlman, David
Clark, Mark

Biundo, Michael
Calawa, Leon Jr
Coughlin, Pamela

Crane, Elenore Casey
Goyette, Peter Jr
Hinkle, Peyton
Kurk, Neal
O'Brien, William
Shaw, Kimberly
Ulery, Jordan

Elliott, Nancy
Hagan, Barbara
Infantine, William
Lessard, Rudy
Ober, Lynne
Slocum, Lee
Wheeler, James

Francoeur, Bea
Hawkins, Ken
Jasper, Shawn
Mead, Robert
Renzullo, Andrew
Souza, Kathleen

Gibson, John
Hellwig, Steve
Johnson, Paula
Mooney, Maureen
Rowe, Robert
Stepanek, Stephen

MERRIMACK

Danforth, James
Whiting, Herbert

Field, William

Greco, Vincent

Langlais, Thomas

ROCKINGHAM

Bettencourt, David
Camm, Kevin
Dumaine, Dudley
McMahon, Charles
Stiles, Nancy

Bicknell, Elbert
Carson, Sharon
Hopfgarten, Paul
Moody, Marcia
Zolla, William

Buxton, Donald
DiFruscia, Anthony
Itse, Daniel
Quandt, Marshall Lee

Cady, Harriet
Donahue, Richard Ken
Lund, Howie
Quandt, Matthew

STRAFFORD

Bickford, David
Chaplin, Duncan

Brown, Julie
Easson, Timothy

Brown, Lawrence
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

SULLIVAN

Converse, Larry
and the committee report was adopted.

Osgood, Philip Sr

HB 1178, relative to the definition of an adequate education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Timothy E. Easson for the Majority of Education: The prime sponsor of the bill sought to replace the current statute that defines the "criteria for an equitable education" in RSA 193-E:2 with the Kentucky definition of an "adequate public education." The Kentucky criteria is inadequate because it lacks any reference to reading, writing and speaking English; skill in mathematics; skill in methods of science; knowledge of biological, physical and earth sciences; economics; geography; and technological skills. Additionally, the committee learned that in 1998, after the Claremont II decision, the House and Senate Education Committees met jointly and used the Kentucky standards as a starting point by which they arrived at the current statute. The majority takes the position that moving forward with this bill would be a major step backward. Vote 10-6. Rep. Emma L. Rous for the Minority of Education: The minority believes the term "adequacy" must be returned to the language in Chapter 193 E. By substituting the term "equity" for "adequacy", we have shifted the focus from educational content to educational funding. The committee intends to set up an ad hoc committee to discuss the issue of adequacy. Majority committee report adopted.

HB 1323, relative to the statement of purpose in the statewide education improvement and assessment program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William J. Remick for the Majority of Education: This bill removes the word "democracy" from RSA 193-C:1. The vast majority of the committee disagrees. Vote 12-1.

Rep. Timothy E. Easson for the Minority of Education: It is important to have the statement of purpose of RSA 193-C:1 to accurately reflect the fact that our nation is a republic and not a democracy. The minority believes that this distinction needs to be clarified in current law. Majority committee report adopted.

HB 1509, relative to campaign expenditures for the office of governor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael D. Whalley for Election Law: This bill as introduced would increase the limitation on campaign expenditures for candidates for the office of governor who agrees to limit campaign expenditures. As amended by the committee, the limitations on campaign expenditures for candi-

dates for United States Senate and candidates for Representative to Congress would also be increased. The bill, as amended, would also increase the maximum contribution to a candidate who agrees to abide by the spending limit as an additional incentive to agree to the spending limit. The effective date was also changed to July 1, 2006. Vote 14-0.

Amendment (0855h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to campaign expenditure and contribution limitations.

Amend the bill by replacing all after the enacting clause with the following:

1 Political Contribution Limitations. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of [~~\$5,000~~] **\$25,000** in value, except for contributions made by a candidate in behalf of his *or her* own candidacy, or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his *or her* campaign expenditures and those expenditures made on his *or her* behalf as provided in RSA 664:5-a, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his *or her* fiscal agent, a political committee or its treasurer, or not to any one of the same.

2 Political Expenditure Limitation Amounts. Amend RSA 664:5-b, I-II to read as follows:

I. For governor:

(a) [~~\$625,000~~] **\$1,250,000** in a state primary election.

(b) [~~\$625,000~~] **\$1,250,000** in a state general election.

I-a. For United States senator:

(a) [~~\$625,000~~] **\$1,250,000** in a state primary election.

(b) [~~\$625,000~~] **\$1,250,000** in a state general election.

II. For representative to Congress:

(a) [~~\$350,000~~] **\$625,000** in a state primary election.

(b) [~~\$350,000~~] **\$625,000** in a state general election.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill increases the limitation on campaign expenditures for candidates for the offices of governor, United States senator, and representative to Congress who agree to limit campaign expenditures. This bill also increases the limitation on the amount that may be contributed to a candidate who voluntarily agrees to limit his or her campaign expenditures.

Amendment adopted.

Committee report adopted and ordered to third reading.

(Speaker Scamman in the Chair)

HB 1384, relative to standardizing the format for special education budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Emma L. Rous for Education: This bill seeks to isolate a district's special education budget from the annual school district budget. While special education regularly appears as a line item in district budgets, highlighting special education in a separate budget risks exposing the identity of special education students and opens a mandated budget to debate. In addition, it is inappropriate for the legislature to prescribe State Board of Education forms. Vote 7-6.

Reps. Ingbreton and Stephen L'Heureux spoke against.

Rep. Ingbreton requested a roll call; sufficiently seconded.

YEAS 144 NAYS 185

YEAS 144

BELKNAP

Morrison, Gail

CARROLL

Buco, Thomas

Knox, J David

Martin, James

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Theberge, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Chase, Claudia	Clemons, Jane	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Drisko, Richard	Essex, David
Foster, Linda	Gargasz, Carolyn	Garrity, Patrick	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Jean, Claudette	Jeady, Jean	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Michon, Stephen	Movesian, Lori	Palangas, Eric
Pappas, Christopher	Pepino, Leo	Pilotte, Maurice	Rochette, Eric
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	McMahon, Patricia	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Brown, C.	Cali-Pitts, Jacqueline
Casey, Kimberley	Flockhart, Eileen	Gould, Kenneth	Moody, Marcia
Norelli, Terie	Powers, James	Robinson, John	Splaine, James

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		

NAYS 185**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Stevens, Stanley

Babson, David Jr
McConkey, Mark

Brown, Carolyn
Merrow, Harry

Chandler, Gene
Patten, Betsey

CHESHIRE

Chase, William
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hogancamp, Deborah

COOS

King, Frederick
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Giuda, Robert
Williams, Burton

Ingbreton, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Crane, Elenore Casey
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Kurk, Neal
Mooney, Maureen
Price, Pamela
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve
Wheeler, Robert

Adams, Jarvis IV
Biundo, Michael
Calawa, Leon Jr
Clark, Mark
Desmarais, Vivian
Gibson, John
Graham, John
Hinkle, Peyton
L'Heureux, Robert
O'Brien, William
Reeves, Sandra
Ryder, Donald
Stepanek, Stephen
Velez, Hector

Balboni, Michael
Boehm, Ralph
Carew, James
Cote, David
Elliott, Nancy
Ginsburg, Ruth
Hagan, Barbara
Infantine, William
Manney, Pamela
O'Connell, Timothy
Renzullo, Andrew
Scanlon, Michael
Tahir, Saghir
Villeneuve, Maurice

Batula, Peter
Brundige, Robert
Christensen, D L Chris
Coughlin, Pamela
Emerton, Larry
Golding, William
Hawkins, Ken
Jasper, Shawn
Mead, Robert
Ober, Lynne
Ross, Lawrence
Slocum, Lee
Ulery, Jordan
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
Langlais, Thomas
Maxfield, Roy

Blanchard, Elizabeth
Kennedy, Richard
Lockwood, Priscilla
Whiting, Herbert

Currier, David
Kidder, David
MacKay, James

Danforth, James
L'Heureux, Stephen
Marple, Richard

ROCKINGHAM

Belanger, Ronald
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
Major, Norman
Nowe, Ronald
Priestley, Anne
Robertson, Carl
Stiles, Nancy
Welch, David
Winchell, George

Bettencourt, David
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Weldy, Norman
Zolla, William

Bicknell, Elbert
Cady, Harriet
Coburn, James
Dowd, John
Fesh, Bob
Garrity, James
Hughes, Daniel
Johnson, Robert
Langley, Jane
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger

Bishop, Franklin
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Flanders, John Sr
Gilbert, Karl
Hutchinson, Karen
Katsakiores, George
Lund, Howie
Morris, Richard
Palazzo, Frank
Rausch, James
Scamman, Stella
Weare, E Albert
Weyler, Kenneth

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford		

SULLIVAN

Gale, Harry Osgood, Philip Sr
and the committee report failed.
Rep. O'Brien moved Ought to Pass and offered floor amendment (1138h).

Floor Amendment (1138h)

Amend the bill by replacing all after the enacting clause with the following:
1 Special Education; Responsibility of School District. Amend RSA 186-C:10 to read as follows:
186-C:10 Responsibility of School District.

I. A school district shall establish an approved program or programs for educationally disabled children, or shall enter into cooperative agreements with other districts to provide approved programs for educationally disabled children, or shall pay tuition to such an approved program maintained by another school district or by a private organization. Eligibility for participation in an approved program of special education shall be determined by the school board of the school district under rules adopted by the state board of education.

II. A school district responsible for providing special education programs or services to any educationally disabled pupil shall, for informational purposes only, prepare an annual special education budget separate from the annual school district budget. Such special education budget shall be prepared using the same budget format as the general education budget, and shall be provided to the school district legislative body at the same time as the general education budget. The special education budget shall include all line item cost detail and descriptions used to prepare the general education budget, including salaries and associated employee benefit costs, overhead cost allocations based on percentage of space used, and special education pupil population.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires a school district to prepare, for informational purposes only, a separate special education budget to be provided to the school district legislative body.
Rep. O'Brien spoke in favor and yielded to questions.
Rep. Giuda requested a roll call; sufficiently seconded.

YEAS 192 NAYS 138

YEAS 192

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Hogancamp, Deborah	Pelkey, Stephen	Sawyer, Sheldon
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COOS

Buzzell, Bernard	King, Frederick	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbreton, Paul
Mirski, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Elliott, Nancy	Emerton, Larry	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Infantine, William	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lefebvre, Roland	Lessard, Rudy	Manney, Pamela
Martin, Mary Ellen	Mead, Robert	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pepino, Leo	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hager, Elizabeth	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Whiting, Herbert	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Keans, Sandra	Newton, Clifford	

SULLIVAN

Converse, Larry	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 138**BELKNAP**

Millham, Alida	Morrison, Gail
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Buco, Thomas	Knox, J David	Martin, James
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CARROLL**CHESHIRE**

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTONAlmy, Susan
Hammond, Lee
Naro, DebraBenn, Bernard
Harding, A Laurie
Nordgren, SharonBleyler, Ruth
McLeod, Martha
Sokol, HildaCooney, Mary
Mulholland, Catherine
Solomon, Peter**HILLSBOROUGH**Baroody, Benjamin
Chase, Claudia
Craig, James
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Michon, Stephen
Pilotte, Maurice
Shattuck, Gilman
Sullivan, FrancisBeaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Foster, Linda
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Movsesian, Lori
Rochette, Eric
Shaw, Barbara
Sullivan, PeterBergin, Peter
Cote, David
DeVries, Betsi
Garrity, Patrick
Haley, Robert
Jean, Claudette
Lasky, Bette
Palangas, Eric
Rosenwald, Cindy
Shaw, KimberlyBrassard, Paul
Cote, Peter
Drisko, Richard
Ginsburg, Ruth
Hall, Betty
Jeudy, Jean
Matarazzo, Anthony Sr
Pappas, Christopher
Schulze, Joan
Smith, David**MERRIMACK**Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Walz, Mary BethBrueggemann, Donald
French, Barbara
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, RobertClarke, Claire
Gile, Mary
Osborne, Jessie
Rush, Deanna
Tupper, FrankDeJoie, John
Greco, Vincent
Owen, Derek
Ryan, Jim
Wallner, Mary Jane**ROCKINGHAM**Abbott, Dennis
Flockhart, Eileen
Powers, JamesBrown, C.
Gould, Kenneth
Robinson, JohnCali-Pitts, Jacqueline
Moody, Marcia
Splaine, JamesCasey, Kimberley
Norelli, Terie**STRAFFORD**Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Smith, MarjorieBrown, Julie
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, JudithBrown, Lawrence
Heon, Richard
Kaen, Naida
Rous, Emma
Taylor, KathleenCilley, Jacalyn
Hilliard, Dana
Knowles, William
Schmidt, Peter
Wall, Janet**SULLIVAN**Cloutier, John
Houde-Quimby, Charlotte
and floor amendment (1138h) was adopted.Donovan, Thomas
Jillette, Arthur JrFerland, Brenda
Phinizy, JamesFranklin, Peter
Prichard, Stephen

The question now being adoption of the motion of Ought to Pass as amended.
Rep. Mead requested a roll call; sufficiently seconded.

YEAS 190 NAYS 140**YEAS 190****BELKNAP**Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, WilliamBoyce, Laurie
Heald, Bruce
Russell, David
Veazey, JohnClark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, FranFitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Pelkey, Stephen	Roberts, Kris	Sawyer, Sheldon
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COOS

Buzzell, Bernard	King, Frederick	Morneau, Renney	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Mirski, Paul	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gargas, Carolyn
Gibson, John	Golding, William	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
Lefebvre, Roland	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Danforth, James
Field, William	Hager, Elizabeth	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Whiting, Herbert	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Doyle, Christopher	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Hollinger, Jeffrey	Keans, Sandra	Newton, Clifford	

SULLIVAN

Converse, Larry	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 140**BELKNAP**

Millham, Alida	Morrison, Gail
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CARROLL

Buco, Thomas	Knox, J David	Martin, James
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Espiefs, Peter	Foot, Sheila	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Pratt, John	Richardson, Barbara
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS

Mears, Edgar	Merrick, Scott	Remick, William	Theberge, Robert
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GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Essex, David	Foster, Linda	Garrity, Patrick
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Jean, Claudette
Judy, Jean	Johnson, Paula	Kopka, Angeline	Lasky, Bette
Matarazzo, Anthony Sr	Michon, Stephen	Movesian, Lori	Palangas, Eric
Pappas, Christopher	Pilotte, Maurice	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert		

ROCKINGHAM

Abbott, Dennis	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberly
Flockhart, Eileen	Gould, Kenneth	Moody, Marcia	Norelli, Terie
Powers, James	Robinson, John	Splaine, James	

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Dunlap, Patricia	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Houde-Quimby, Charlotte

Jillette, Arthur Jr

Phinizz, James

Prichard, Stephen

and the motion was adopted.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the Rules deadline be so far suspended as to allow referral to a second committee of **HB 1384**, relative to standardizing the format for special education budgets. On a division vote, 263 members having voted in the affirmative and 67 in the negative, the motion was adopted by the necessary two-thirds.

Referred to the committee on Finance.

SPECIAL ORDER

HB 1269, relative to the taking of red deer or elk. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Smith for Fish and Game: This bill enables a farmer to raise red deer and elk and permit them to be harvested directly by a purchaser. These elk and red deer farmers have the option of harvesting themselves and selling a whole carcass to a buyer or they may have the meat USDA inspected so it can be sold to restaurants and stores. This last option of USDA inspection has become too expensive to market meat at a profitable price. Hopefully this bill will help these farmers, and the state will not lose his agricultural activity. The bill was heard by the Fish and Game Committee because even raised and personally owned red deer and elk are legally defined as wildlife. Vote 9-1.

Amendment (0566h)

Amend the bill by replacing section 1 with the following:

1 Purpose. The propagation of red deer (*Cervus elaphus*) or elk (*Cervus elaphus ngratifie*) is an important agricultural industry in this state. Therefore, providing for equal treatment of alternate livestock and expanding the market for red deer or elk by allowing for the sale of live red deer or elk to individuals for their own consumption will provide economic benefit to the state.

Amend the bill by replacing section 3 with the following:

3 New Section; Red Deer or Elk. Amend RSA 208 by inserting after section 1-e the following new section:

208:1-f Red Deer or Elk.

I. No person shall, at any time, hunt, take, or possess, any red deer or elk, or any part of the carcass, taken in this state, except as follows:

(a) Red deer or elk which have been propagated within this state may be taken.

(b) Notwithstanding RSA 212:30-e, V, persons licensed to propagate red deer or elk shall be permitted to sell live animals for on premises field harvest by the purchaser.

(c) Persons licensed to propagate red deer or elk, or their designated agent, shall accompany a purchaser into the harvest area, and shall stay in the purchaser's presence until the harvest is completed. Only one purchaser shall be permitted in the harvest area at one time.

(d) The propagator shall provide the purchaser with a bill of sale for each red deer or elk carcass, bearing the date of purchase, the total weight of the carcass, the name and address of the purchaser and the address and permit number of the propagator. The bill of sale shall remain with the carcass as long as it remains in the state.

II. The provisions of this section shall not affect any other law on the transportation, importation, or sale of red deer or elk.

AMENDED ANALYSIS

This bill allows for the taking of red deer or elk and establishes regulation of the process. Amendment adopted.

The question now being adoption of the committee report.

Rep. Hughes spoke against and yielded to questions.

Rep. David Smith spoke in favor and yielded to questions.

Reps. Ryan, Mary Ellen Martin and Solomon spoke against.

Rep. Robert L'Heureux spoke in favor.

Rep. Mary Ellen Martin requested a roll call; sufficiently seconded.

YEAS 217 NAYS 98**YEAS 217****BELKNAP**

Allen, Janet
Heald, Bruce
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Flanders, Donald
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Merrow, Harry

CHESHIRE

Butynski, William
Hogancamp, Deborah

Coates, Christopher
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila
Tilton, Anna

COOS

Morneau, Renney

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Almy, Susan
Gionet, Edmond
Ingretson, Paul
Sorg, Gregory

Benn, Bernard
Giuda, Robert
Mirski, Paul
Williams, Burton

Cooney, Mary
Hammond, Lee
Mulholland, Catherine

Eaton, Stephanie
Harding, A Laurie
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brassard, Paul
Christensen, D L Chris
Cote, Peter
Desmarais, Vivian
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Infantine, William
L'Heureux, Robert
Michon, Stephen
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Slocum, Lee
Velez, Hector

Baroody, Benjamin
Bergin, Peter
Buhlman, David
Christiansen, Lars
Coughlin, Pamela
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Hawkins, Ken
Jasper, Shawn
Lasky, Bette
Mooney, Maureen
Pepino, Leo
Ross, Lawrence
Schulze, Joan
Smith, David
Villeneuve, Maurice

Batula, Peter
Biundo, Michael
Campbell, David
Clark, Mark
Craig, James
Elliott, Nancy
Ginsburg, Ruth
Graham, John
Hellwig, Steve
Kopka, Angeline
Lefebvre, Roland
O'Brien, William
Price, Pamela
Rowe, Robert
Shaw, Barbara
Souza, Kathleen
Wheeler, James

Beaulieu, Jane
Boehm, Ralph
Carew, James
Clemons, Jane
Daniuk, Caitlin
Emerton, Larry
Golding, William
Hagan, Barbara
Hinkle, Peyton
Kurk, Neal
Mead, Robert
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Tahir, Saghir

MERRIMACK

Anderson, Eric
Danforth, James
Greco, Vincent
Kidder, David
Marple, Richard
Tupper, Frank

Brueggemann, Donald
DeJoie, John
Hager, Elizabeth
Langlais, Thomas
Maxfield, Roy
Walz, Mary Beth

Clarke, Claire
Field, William
Hamm, Christine
Lockwood, Priscilla
Reardon, Tara
Williams, Robert

Currier, David
French, Barbara
Kennedy, Richard
MacKay, James
Rush, Deanna

ROCKINGHAM

Belanger, Ronald
Brown, C.

Bicknell, Elbert
Cady, Harriet

Bishop, Franklin
Camm, Kevin

Bridle, Russell
Carson, Sharon

Casey, Kimberley
Donahue, Richard Ken
Fesh, Bob
Garrity, James
Ingram, Russell
Lund, Howie
Morris, Richard
Palazzo, Frank
Robertson, Carl
Stiles, Nancy
Wells, Roger

Charron, Gene
Dowling, Patricia
Flanders, John Sr
Gould, Kenneth
Itse, Daniel
Major, Norman
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Zolla, William

Coburn, James
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Sanders, Elisabeth
Weare, E Albert

Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Kobel, Rudolph
McMahon, Charles
Packard, Sherman
Rausch, James
Scamman, Stella
Welch, David

STRAFFORD

Bickford, David
Creteau, Irene
Kaen, Naida
Newton, Clifford

Cataldo, Sam
Dunlap, Patricia
Keans, Sandra
Rollo, Michael

Chaplin, Duncan
Easson, Timothy
Knowles, William
Rous, Emma

Cilley, Jacalyn
Hilliard, Dana
Miller, Joseph
Wall, Janet

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Converse, Larry
Osgood, Philip Sr

Donovan, Thomas
Prichard, Stephen

Gale, Harry
Rodeschin, Beverly

NAYS 98

BELKNAP

Fitzgerald, James

Morrison, Gail

CARROLL

Buco, Thomas

Martin, James

CHESHIRE

Allen, Peter
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Parkhurst, Henry
Weed, Charles

Chase, William
Richardson, Barbara

Espiefs, Peter
Roberts, Kris

COOS

Buzzell, Bernard
Theberge, Robert

King, Frederick

Merrick, Scott

Richardson, Herbert

GRAFTON

Bleyler, Ruth
Solomon, Peter

McLeod, Martha

Nordgren, Sharon

Sokol, Hilda

HILLSBOROUGH

Brundige, Robert
Crane, Elenore Casey
Gibson, John
Holden, Randolph
Manney, Pamela
Pappas, Christopher
Shattuck, Gilman
Wheeler, Robert

Calawa, Leon Jr
DeVries, Betsi
Goyette, Peter Jr
Jean, Claudette
Martin, Mary Ellen
Pilotte, Maurice
Sullivan, Francis

Chase, Claudia
Foster, Linda
Haley, Robert
Johnson, Paula
Matarazzo, Anthony Sr
Rochette, Eric
Sullivan, Peter

Cote, David
Francoeur, Bea
Hall, Betty
Lessard, Rudy
Movsesian, Lori
Rosenwald, Cindy
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
Osborne, Jessie
Tilton, Joy

Bouchard, Candace
Potter, Frances
Wallner, Mary Jane

DeStefano, Stephen
Ryan, Jim
Whiting, Herbert

Gile, Mary
Shurtleff, Stephen

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline

Allen, Mary
DiFruscia, Anthony

Bettencourt, David
Flockhart, Eileen

Buxton, Donald
Gilbert, Karl

Hughes, Daniel
Norelli, Terie
Splaine, James

Katsakiores, George
Powers, James
Waterhouse, Kevin

Langley, Jane
Priestley, Anne
Weyler, Kenneth

Moody, Marcia
Robinson, John
Winchell, George

STRAFFORD

Brown, Jennifer
Hofemann, Roland
Spang, Judith

Brown, Julie
Johnson, Nancy
Taylor, Kathleen

Brown, Lawrence
Schmidt, Peter

Heon, Richard
Smith, Marjorie

SULLIVAN

Ferland, Brenda

Franklin, Peter

Houde-Quimby, Charlotte

Phinizy, James

and the committee report was adopted.

Ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 1681-FN, establishing the unused prescription drug program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cindy Rosenwald for Health, Human Services and Elderly Affairs: The committee recognized that prescription drugs are often thrown away at hospitals and other health care facilities, wasting thousands of dollars a month and potentially creating an environmental hazard. This bill creates a program to allow for unused prescription drugs and devices to be safely re-dispensed as long as they are in tamper-proof packaging and have never been in the possession of an individual. At least 20 other states have enacted similar legislation. As amended, the Board of Pharmacy would set rules to allow hospitals, other health care facilities, pharmacies and correctional institutions to voluntarily agree to store, re-label and re-dispense drugs and devices appropriately and safely. This could save the state money in the prison system. The amendment also removes the fiscal impact on the state since the program would be self-funded through fees. Vote 16-0.

Amendment (0793h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Unused Prescription Drug Program. Amend RSA 318 by inserting after section 55 the following new subdivision:

Unused Prescription Drug Program

318:56 Unused Prescription Drug Program Established. There is established the unused prescription drug program for the purpose of allowing the donation of unused prescription drugs and medical devices to uninsured or underinsured individuals. The program shall be administered by the New Hampshire pharmacy board.

318:57 Definitions. In this subdivision:

I. "Board" means the New Hampshire pharmacy board.

II. "Medical device" means an instrument, apparatus, implement, machine, or similar article, or any attachment or component part thereof, that has been prescribed by a physician or other authorized health care practitioner.

III. "Patient" means a person to whom a drug or a medical device has been prescribed, that patient's authorized representative, or the executor or administrator of the patient's estate.

IV. "Prescription drug" means a drug as defined in RSA 318:1, XVII, excluding any controlled drug as defined in RSA 318-B:1, VI.

V. "Program" means the unused prescription drug program.

318:58 Donating, Accepting, and Redispersing Unused Drugs.

I. Any patient may donate unused prescription drugs and medical devices to the program.

II. Any person authorized to dispense prescription drugs and medical devices pursuant to RSA 318 or other law may redispense such drugs and devices for the purposes of the program.

III. The following facilities and services may accept donations of unused prescription drugs and medical devices for the program:

(a) Any pharmacy as defined in RSA 318:1, XI;

(b) Any hospital, nursing home, hospice, or outpatient clinic licensed pursuant to RSA 151; and

(c) New Hampshire hospital, Glencliff home for the elderly, New Hampshire veterans home, and the state and county correctional facilities.

IV. The following prescription drugs and medical devices may be accepted and redispensed through the program; provided, that they have not been in the possession of the patient or other member of the public:

- (a) Unused prescription drugs that have not reached their expiration date, are contained in unopened unit dose or other tamper-evident packaging, and show no evidence of contamination; and
- (b) Medical devices that have not been opened or adulterated.

V. Unused prescription drugs and medical devices may not be resold, but the facility or service redispensing such drug or device may charge a handling fee for the service not to exceed \$15.

VI. A facility or service may redispense unused prescription drugs and medical devices under the program to uninsured or underinsured persons as defined by the board, but redispensing to other patients is permitted if no uninsured or underinsured person is available.

318:59 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, for the program relative to:

I. Standards and procedures for the donation, acceptance, storage and redispensing of unused prescription drugs and medical devices.

II. Eligibility of individuals to receive unused drugs.

III. The maximum allowable handling fee for redispensing drugs and devices.

IV. Content and format of all forms required under this subdivision.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the unused prescription drug program under which unused prescription drugs are accepted and dispensed to uninsured or underinsured persons. Under this bill, persons licensed to dispense drugs and certain other licensed entities may collect, relabel, and redispense donated prescription drugs and medical devices. Controlled drugs are exempted from the provisions of the bill. The New Hampshire pharmacy board is granted rulemaking authority for the purposes of the bill. Amendment adopted.

Committee report adopted and ordered to third reading.

CACR 39, relating to the administration of the Supreme Court. Providing that Supreme Court rules shall no longer have the force and effect of law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Judiciary: The committee heard three bills related to the court's ability to make rules for themselves. This amendment to the constitution would remove the last sentence to Part II Article 73-a which was enacted in 1978 and states. "The chief justice of the court shall be the administrative head of all the courts. He shall, with the concurrence of a majority of the Supreme Court justices, make rules governing the administration of all courts in the state and the practice and procedure to be followed in all such courts. The rules so promulgated shall have the force and effect of law. The committee felt that removing a seemingly redundant sentence would not change the effect of the remaining constitutional amendment, but may cause confusion on whether court rules are enforceable. The sponsor's intent is similar to another bill (HB 1193) which the committee heard this session relating to the issue of whether the 1972 constitutional convention intended for the sentence to be included in the constitutional amendment. This is an old issue and was litigated in the 1993 case of Bosa vs. Merrill. The legislature addressed the issue by enacting a statute that requires the actual wording be placed on the ballot. Evidently, prior to the passage of this law most constitutional amendments did not have the actual wording of the amendment on the ballot upon which the voters would be voting. The official signed copy of the proposed amendment did include the extra sentence. Vote 14-6.

Rep. Gregory M. Sorg for the Minority of Judiciary: The committee's research appears to have shown conclusively that the final sentence of Article 73-a ("The rules so promulgated shall have the force and effect of law") was not on the ballot and, therefore, was not ratified by the people. The majority, however, takes the position that the error was harmless, because to say that court rules have the force and effect of law is simply to state a truism. The minority, though, is mindful that the word "law" is commonly understood to be synonymous with the word "statute." And while there is no disputing that properly promulgated rules and regulations operate as the functional equivalent of law in the sense that they must be obeyed, the same as any statute, it is nevertheless true that in the hierarchy of law, rules and regulations are understood to be subordinate to statute; that is, a rule or regulation cannot be issued

without statutory authorization to do so, and can be nullified by statute, while a statute can never be nullified by rule or regulation. Adding the unratified sentence to Article 73-a has given rise to the subtle and – as it has developed – pernicious assumption on the part of the Supreme Court that its rules are not just the equal of statute, but superior. This has resulted in a momentous alteration of the separation of powers between the judicial and legislative branches, giving the judicial branch constitutional cover to place its policy choices in the area of rulemaking beyond the power of the legislative branch. Majority committee report adopted.

HB 1597-FN-L, relative to municipal obligations for indigent medical expenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the Majority of Municipal and County Government: The original bill excluded medical assistance from the type of relief provided by municipalities under the general assistance statute RSA 165. The obligation under RSA 165 is broadly worded and could be interpreted to require coverage of a wide range of physician and hospital charges. The Department of Health and Human Services does not know how much municipalities pay for medical assistance now due to the fact that this is confidential information between the municipality and the individual seeking the assistance. The committee feels that the language of the original bill was too strict. An amendment was drafted and presented to the committee for its consideration. The majority of the committee feels that the amendment properly addresses the issue raised by the bill. Currently, towns and cities are mandated to adopt written guidelines relative to general assistance. The amendment allows the local governing body of a town or city to adopt written guidelines to exclude from its general assistance program surgical and medical expenses, except for prescribed medication. This exclusion is only when there is no other means to provide such medication. Vote 10-4.

Rep. Jessie L. Osborne for the Minority of Municipal and County Government: This bill simply shifts the cost for health care from local community to non-profit and private hospitals. This will cause the health insurance rates to rise and also to cause non-profits to close. This is not a problem and this bill is a solution looking for a problem.

Majority Amendment (0921h)

Amend the bill by replacing section I with the following:

I New Paragraph; Aid to Assisted Persons; Medical Expenses. Amend RSA 165:1 by inserting after paragraph III the following new paragraph:

IV. The local governing body of a town or city may adopt written guidelines to exclude from its general assistance program surgical and medical expenses, except for prescribed medication, when there is no other means to provide such medication.

AMENDED ANALYSIS

This bill permits a municipality to exclude medical expenses, other than certain prescription medication, from the municipality's local assistance program.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Rep. DeJoie spoke against.

Rep. Stohl spoke in favor.

Majority committee report adopted and ordered to third reading.

HCR 22, relative to the right to pursue a livelihood in natural resources industries. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: New Hampshire fishermen have a long proud and beneficial history to the state and country as a whole. While it is understood that the demands of over fishing and unlimited fishing have undesirable effects on fishing stocks, affecting the livelihood of the men and women engaged in the industry, it should be noted that due to Homeland Security issues the US Coast Guard has become distracted from one primary mission of protecting US fishing. Hopefully this HCR will provide the opportunity to highlight this shortcoming. We must protect our fishing industry from illegal factory ships farming large stocks of fish within our territorial waters. Vote 10-2.

Rep. Russell A. Albert for the Minority of State-Federal Relations and Veterans Affairs: Using history as an example of unrestricted fishing, restriction may soon hurt it – but over time will benefit the fishing industry.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDER

HR 22, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II." **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E. Roberts for State-Federal Relations and Veterans Affairs: This U.S. Department of Justice Report was released in November 2001. The report provides both previously undisclosed information and cites footnotes for additional information. However, classified information is not included and in most cases this classified information will not be disclosed for some time. The report is available to anyone and, with the current information age, readily available for promoting through the Internet. Vote 7-3.

Rep. Pepino spoke against and yielded to questions.

(Deputy Speaker Weyler in the Chair)

Rep. Renzullo spoke against.

Rep. Roberts spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Rollo requested a roll call; sufficiently seconded.

YEAS 88 NAYS 201**YEAS 88
BELKNAP**

Allen, Janet	Clark, Charles	Millham, Alida	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	

CARROLL

Babson, David Jr	Chandler, Gene	Martin, James	McConkey, Mark
Patten, Betsey			

CHESHIRE

Butcher, Suzanne	Foote, Sheila	Hogancamp, Deborah	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon		

COOS

King, Frederick	Merrick, Scott	Remick, William	Stohl, Eric
Tholl, John Jr			

GRAFTON

Almy, Susan	Ham, Bonnie	Harding, A Laurie	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Batula, Peter	Bergin, Peter	Calawa, Leon Jr	Carew, James
Drisko, Richard	Emerton, Larry	Hawkins, Ken	Holden, Randolph
Johnson, Paula	Kurk, Neal	L'Heureux, Robert	Mooney, Maureen
O'Connell, Timothy	Pilotte, Maurice	Price, Pamela	Ross, Lawrence
Ryder, Donald	Scanlon, Michael	Shaw, Kimberly	Slocum, Lee
Smith, David	Vaillancourt, Steve	Velez, Hector	Villeneuve, Maurice

MERRIMACK

Anderson, Eric	Brueggemann, Donald	Clarke, Claire	Kidder, David
Lockwood, Priscilla	Reardon, Tara	Rush, Deanna	Williams, Robert

ROCKINGHAM

Casey, Kimberley	Charron, Gene	Cooney, Richard	Dowling, Patricia
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Hughes, Daniel

Langley, Jane
Palazzo, Frank
Sanders, Elisabeth
Weyler, Kenneth

Major, Norman
Priestley, Anne
Stiles, Nancy

Morris, Richard
Rausch, James
Waterhouse, Kevin

O'Neil, Michael
Rolston, James
Weare, E Albert

STRAFFORD

Johnson, Nancy

Wall, Janet

SULLIVAN

Gale, Harry

Rodeschin, Beverly

NAYS 201

BELKNAP

Boyce, Laurie
Pilliod, James
Whalley, Michael

Fitzgerald, James
Rosen, Ralph

Heald, Bruce
Tobin, William

Morrison, Gail
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J David

Brown, Carolyn
Morrow, Harry

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard

CHESHIRE

Butynski, William
Espieffs, Peter
Tilton, Anna

Chase, William
Parkhurst, Henry
Weed, Charles

Coates, Christopher
Pelkey, Stephen

Emerson, Susan
Richardson, Barbara

COOS

Buzzell, Bernard

Morneau, Renney

Richardson, Herbert

Theberge, Robert

GRAFTON

Cooney, Mary
Hammond, Lee

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Naro, Debra

Giuda, Robert
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Christiansen, Lars
Cote, Peter
Daniuk, Caitlin
Essex, David
Gibson, John
Gorman, Mary
Hall, Betty
Infantine, William
Lasky, Bette
Mead, Robert
Ober, Lynne
Rochette, Eric
Shattuck, Gilman
Sullivan, Peter

Balboni, Michael
Biundo, Michael
Buhlman, David
Clark, Mark
Coughlin, Pamela
Desmarais, Vivian
Foster, Linda
Ginsburg, Ruth
Goyette, Peter Jr
Harvey, Suzanne
Jasper, Shawn
Lessard, Rudy
Michon, Stephen
Pepino, Leo
Rosenwald, Cindy
Shaw, Barbara
Tahir, Saghir

Baroody, Benjamin
Boehm, Ralph
Chase, Claudia
Clemons, Jane
Craig, James
DeVries, Betsi
Francoeur, Bea
Golding, William
Graham, John
Hellwig, Steve
Jean, Claudette
Manney, Pamela
Movsesian, Lori
Reeves, Sandra
Rowe, Robert
Souza, Kathleen
Wheeler, James

Beaulieu, Jane
Brassard, Paul
Christensen, D L Chris
Cote, David
Crane, Elenore Casey
Elliott, Nancy
Gargasz, Carolyn
Goley, Jeffrey
Hagan, Barbara
Hinkle, Peyton
Kopka, Angeline
Matarazzo, Anthony Sr
O'Brien, William
Renzullo, Andrew
Schulze, Joan
Sullivan, Francis

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Hamm, Christine
Marple, Richard
Potter, Frances
Tupper, Frank

Bouchard, Candace
Field, William
Kennedy, Richard
Maxfield, Roy
Ryan, Jim
Wallner, Mary Jane

Danforth, James
French, Barbara
Langlais, Thomas
McMahon, Patricia
Shurtleff, Stephen
Walz, Mary Beth

DeJoie, John
Gile, Mary
MacKay, James
Osborne, Jessie
Tilton, Joy
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Brown, C.	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Coburn, James	DiFruscia, Anthony	Doyle, Christopher	Dumaine, Dudley
Fesh, Bob	Flockhart, Eileen	Forsing, Robert	Garrity, James
Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Norelli, Terie
Nowe, Ronald	Packard, Sherman	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Robertson, Carl	Robinson, John	Scamman, Stella
Splaine, James	Welch, David	Wells, Roger	Winchell, George

STRAFFORD

Bickford, David	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Heon, Richard	Hilliard, Dana
Hofemann, Roland	Kaen, Naida	Keans, Sandra	Newton, Clifford
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James

Prichard, Stephen
and the committee report failed.

Rep. Coughlin moved Ought to Pass.

Motion of Ought to Pass adopted and ordered to third reading.

Rep. Morris notified the Clerk that he voted Yea and intended to vote Nay.

REGULAR CALENDAR (CONT'D.)

HB 1307, relative to application requirements for motor vehicle recycling yard licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jean-Guy J. Bergeron for Transportation: This bill requires all applicants for a motor vehicle recycling yard license, a motor vehicle junk yard license, or a license renewal to include certification of compliance with best management practices established by the Department of Environmental Services. The amendment was to change the effective date to January 1, 2007. Vote 12-2.

Amendment (0727h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 1, 2007.

Amendment adopted.

Committee report adopted and ordered to third reading.

(Speaker Scamman in the Chair)

HB 1328-FN, relative to motor vehicle inspections. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: This bill would change the current practice of inspecting our vehicles from once a year to once every two years. The argument is that cars are safer today than in the past. Many other states have changed their inspection requirements in a variety of different ways. The problems the committee has is that there have been no comprehensive studies done that can prove or disprove whether changing from a yearly inspection to every other year or eliminating it altogether has had an impact on motor vehicle crashes. Another problem was whether EPA would consider us in violation of our emission testing program if we decided to test every other year instead of the agreed annual test on all cars 1996 and newer. Each year thousands of new and used cars are being added to the roadways in our state. The committee does not believe that now is the time to take a chance on allowing unsafe vehicles onto our highways and possibly cause more accidents and injuries due to defective equipment. We do not know whether a person will put 10,000 or 50,000 miles per year on their vehicle. The committee believes that we should try and assure the driving public that other vehicles on the road are as safe as possible. We don't feel that changing our inspections to every two years would offer that assurance. Vote 11-0.

Rep. Vaillancourt spoke against and requested a roll call; sufficiently seconded.

YEAS 155 NAYS 124**YEAS 155****BELKNAP**

Boyce, Laurie
Morrison, Gail
Thomas, John

Fitzgerald, James
Nedeau, Stephen
Tilton, Franklin

Heald, Bruce
Pilliod, James
Whalley, Michael

Millham, Alida
Russell, David

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Stevens, Stanley

Babson, David Jr
Martin, James

Brown, Carolyn
Olimpio, J Lisbeth

Chandler, Gene
Patten, Betsey

CHESHIRE

Butcher, Suzanne
Hogancamp, Deborah

Butynski, William
Parkhurst, Henry

Chase, William
Richardson, Barbara

Foote, Sheila
Roberts, Kris

COOS

King, Frederick
Theberge, Robert

Merrick, Scott
Tholl, John Jr

Remick, William

Stohl, Eric

GRAFTON

Almy, Susan
Naro, Debra

Cooney, Mary
Nordgren, Sharon

Ham, Bonnie
Sokol, Hilda

Harding, A Laurie
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Brundige, Robert
Daniuk, Caitlin
Emerton, Larry
Ginsburg, Ruth
Hawkins, Ken
Lasky, Bette
O'Connell, Timothy
Ross, Lawrence
Shattuck, Gilman
Villeneuve, Maurice

Beaulieu, Jane
Calawa, Leon Jr
Desmarais, Vivian
Essex, David
Gorman, Mary
Jasper, Shawn
Matarazzo, Anthony Sr
Pilotte, Maurice
Rowe, Robert
Smith, David

Bergeron, Jean-Guy
Christensen, D L Chris
DeVries, Betsi
Foster, Linda
Graham, John
Kopka, Angeline
Michon, Stephen
Price, Pamela
Ryder, Donald
Sullivan, Francis

Bergin, Peter
Coughlin, Pamela
Drisko, Richard
Gargaszy, Carolyn
Harvey, Suzanne
L'Heureux, Robert
Movsesian, Lori
Rosenwald, Cindy
Schulze, Joan
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Lockwood, Priscilla
Reardon, Tara
Tilton, Joy

Bouchard, Candace
French, Barbara
MacKay, James
Rush, Deanna
Tupper, Frank

Brueggemann, Donald
Gile, Mary
McMahon, Patricia
Ryan, Jim
Walz, Mary Beth

Clarke, Claire
Kidder, David
Osborne, Jessie
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Allen, Mary
Charron, Gene
Doyle, Christopher
Francoeur, Sheila
Kobel, Rudolph
Morris, Richard
Powers, James
Robinson, John
Weyler, Kenneth

Bridle, Russell
Cooney, Richard
Flanders, John Sr
Gould, Kenneth
Langley, Jane
Norelli, Terie
Priestley, Anne
Scamman, Stella

Brown, C.
DiFruscia, Anthony
Flockhart, Eileen
Katsakiores, George
Major, Norman
O'Neil, Michael
Rausch, James
Weare, E Albert

Carson, Sharon
Dowling, Patricia
Forsing, Robert
Katsakiores, Phyllis
Moody, Marcia
Packard, Sherman
Robertson, Carl
Welch, David

STRAFFORD

Brown, Jennifer
Hofemann, Roland
Schmidt, Peter

Creteau, Irene
Johnson, Nancy
Wall, Janet

Dunlap, Patricia
Kaen, Naida

Hilliard, Dana
Rollo, Michael

SULLIVAN

Cloutier, John
Jillette, Arthur Jr
Rodeschin, Beverly

Ferland, Brenda
Osgood, Philip Sr

Gale, Harry
Phinizy, James

Houde-Quimby, Charlotte
Prichard, Stephen

NAYS 124**BELKNAP**

Allen, Janet
Wendelboe, Fran

Clark, Charles

Rosen, Ralph

Tobin, William

CARROLL

Buco, Thomas

Knox, J David

McConkey, Mark

Morrow, Harry

CHESHIRE

Coates, Christopher
Robertson, Timothy

Emerson, Susan
Sawyer, Sheldon

Espiels, Peter
Tilton, Anna

Pelkey, Stephen
Weed, Charles

COOS

Buzzell, Bernard

Morneau, Renney

Richardson, Herbert

GRAFTON

Gionet, Edmond
Mulholland, Catherine

Giuda, Robert
Sorg, Gregory

Hammond, Lee
Williams, Burton

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV
Brassard, Paul
Christiansen, Lars
Crane, Elenore Casey
Golding, William
Hall, Betty
Infantine, William
Manney, Pamela
Ober, Lynne
Shaw, Barbara
Tahir, Saghir

Balboni, Michael
Buhlman, David
Clark, Mark
Elliott, Nancy
Goley, Jeffrey
Hellwig, Steve
Johnson, Paula
Mead, Robert
Reeves, Sandra
Shaw, Kimberly
Ulery, Jordan

Biundo, Michael
Carew, James
Clemons, Jane
Francoeur, Bea
Goyette, Peter Jr
Hinkle, Peyton
Kurk, Neal
Mooney, Maureen
Renzullo, Andrew
Slocum, Lee
Vaillancourt, Steve

Boehm, Ralph
Chase, Claudia
Cote, David
Gibson, John
Hagan, Barbara
Holden, Randolph
Lessard, Rudy
O'Brien, William
Rochette, Eric
Souza, Kathleen
Wheeler, James

MERRIMACK

Anderson, Eric
Hamm, Christine
Maxfield, Roy

Danforth, James
Kennedy, Richard
Potter, Frances

DeJoie, John
Langlais, Thomas
Wallner, Mary Jane

Field, William
Marple, Richard
Whiting, Herbert

ROCKINGHAM

Belanger, Ronald
Cady, Harriet
Dumaine, Dudley
Hopfgarten, Paul
McMahon, Charles
Quandt, Matthew
Stiles, Nancy

Bettencourt, David
Cali-Pitts, Jacqueline
Fesh, Bob
Hughes, Daniel
Nowe, Ronald
Rolston, James
Waterhouse, Kevin

Bicknell, Elbert
Camm, Kevin
Garrity, James
Itse, Daniel
Palazzo, Frank
Sanders, Elisabeth
Wells, Roger

Buxton, Donald
Coburn, James
Griffin, Mary
McKinney, Betsy
Quandt, Marshall Lee
Splaine, James
Winchell, George

STRAFFORD

Bickford, David
Chaplin, Duncan
Newton, Clifford

Brown, Julie
Easson, Timothy
Rous, Emma

Brown, Lawrence
Heon, Richard
Smith, Marjorie

Cataldo, Sam
Keans, Sandra

SULLIVAN

Converse, Larry
and the committee report was adopted.

Donovan, Thomas

HB 1417-FN, establishing gold star number plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have required the Department of Motor Vehicles to furnish one set of special number plates, at no extra cost, for one vehicle owned by a parent, spouse, or child of a person killed while on duty in the armed forces. No veterans came and spoke in support of this bill. The majority of the committee took the stance that we don't need another new number plate and that there are other ways to honor our armed service people who have died while on duty. Vote 9-4.

Reps. Bettencourt and Merrick spoke against.

Reps. Giuda and Ferland spoke in favor and yielded to questions.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 98 NAYS 181

YEAS 98

BELKNAP

Allen, Janet
Pilliod, James

Clark, Charles
Russell, David

Millham, Alida

Nedeau, Stephen

CARROLL

Knox, J David

Patten, Betsey

CHESHIRE

Foote, Sheila
Weed, Charles

Parkhurst, Henry

Richardson, Barbara

Sawyer, Sheldon

COOS

Theberge, Robert

Tholl, John Jr

GRAFTON

Almy, Susan
Nordgren, Sharon

Cooney, Mary
Sokol, Hilda

Harding, A Laurie
Sorg, Gregory

Mulholland, Catherine

HILLSBOROUGH

Balboni, Michael
Carew, James
Emerton, Larry
Gorman, Mary
Holden, Randolph
Movsesian, Lori
Slocum, Lee

Beaulieu, Jane
Daniuk, Caitlin
Essex, David
Hall, Betty
Kurk, Neal
Rosenwald, Cindy
Sullivan, Francis

Bergin, Peter
Desmarais, Vivian
Ginsburg, Ruth
Harvey, Suzanne
Lasky, Bette
Schulze, Joan
Villeneuve, Maurice

Buhlman, David
Drisko, Richard
Goley, Jeffrey
Hawkins, Ken
Martin, Mary Ellen
Shaw, Barbara

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Lockwood, Priscilla
Tilton, Joy

Clarke, Claire
French, Barbara
MacKay, James
Wallner, Mary Jane

Danforth, James
Gile, Mary
Osborne, Jessie
Williams, Robert

DeJoie, John
Kidder, David
Potter, Frances

ROCKINGHAM

Allen, Mary
Dowling, Patricia
Gould, Kenneth
Norelli, Terie
Welch, David

Brown, C.
Fesh, Bob
Katsakiores, George
Packard, Sherman

Cali-Pitts, Jacqueline
Flanders, John Sr
Major, Norman
Powers, James

Cooney, Richard
Francoeur, Sheila
Moody, Marcia
Priestley, Anne

STRAFFORD

Bickford, David
Johnson, Nancy
Schmidt, Peter

Brown, Julie
Kaen, Naida
Smith, Marjorie

Brown, Lawrence
Keans, Sandra
Spang, Judith

Creteau, Irene
Rous, Emma

SULLIVAN

Cloutier, John	Ferland, Brenda	Gale, Harry	Jillette, Arthur Jr
Prichard, Stephen	Rodeschin, Beverly		

NAYS 181**BELKNAP**

Boyce, Laurie	Fitzgerald, James	Heald, Bruce	Morrison, Gail
Rosen, Ralph	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Stevens, Stanley		

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah	Roberts, Kris
Robertson, Timothy	Tilton, Anna		

COOS

Buzzell, Bernard	King, Frederick	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	

GRAFTON

Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Hammond, Lee
Mirski, Paul	Naro, Debra	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Baroody, Benjamin	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, David	Coughlin, Pamela	Craig, James	Crane, Elenore Casey
DeVries, Betsi	Elliott, Nancy	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hellwig, Steve	Hinkle, Peyton
Infantine, William	Jasper, Shawn	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Michon, Stephen	Mooney, Maureen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Shattuck, Gilman	Shaw, Kimberly
Smith, David	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Velez, Hector	Wheeler, James	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	Field, William
Hamm, Christine	Kennedy, Richard	Langlais, Thomas	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Walz, Mary Beth
Whiting, Herbert			

ROCKINGHAM

Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	DiFruscia, Anthony	Doyle, Christopher
Dumaine, Dudley	Flockhart, Eileen	Forsing, Robert	Garrity, James
Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	McKinney, Betsy

McMahon, Charles
Palazzo, Frank
Robinson, John
Splaine, James
Wells, Roger

Morris, Richard
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Weyler, Kenneth

Nowe, Ronald
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Winchell, George

O'Neil, Michael
Robertson, Carl
Scamman, Stella
Weare, E Albert

STRAFFORD

Brown, Jennifer
Dunlap, Patricia
Hofemann, Roland

Cataldo, Sam
Easson, Timothy
Newton, Clifford

Chaplin, Duncan
Heon, Richard
Rollo, Michael

Cilley, Jacalyn
Hilliard, Dana
Wall, Janet

SULLIVAN

Converse, Larry
Phinizy, James

Donovan, Thomas

Houde-Quimby, Charlotte

Osgood, Philip Sr

and the committee report failed.

Rep. Weyler moved Ought to Pass.

Rep. Merrick offered floor amendment (1121h).

Floor Amendment (1121h)

Amend the bill by replacing section 1 with the following:

1 New Section; Gold Star Number Plates. Amend RSA 261 by inserting after section 87-b the following new section:

261:87-c Gold Star Number Plates. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a parent or spouse of a person killed while on duty in the United States armed forces. These gold star number plates shall be issued upon payment of the regular registration and number plate fees. Rep. Merrick spoke in favor.

Floor amendment (1121h) adopted.

The question now being adoption of the motion of Ought to Pass as amended.

Rep. DeJoie requested a roll call; sufficiently seconded.

YEAS 246 NAYS 36

YEAS 246

BELKNAP

Allen, Janet
Heald, Bruce
Rosen, Ralph
Tobin, William

Boyce, Laurie
Millham, Alida
Russell, David
Wendelboe, Fran

Clark, Charles
Morrison, Gail
Thomas, John
Whalley, Michael

Fitzgerald, James
Pilliod, James
Tilton, Franklin

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Stevens, Stanley

Chandler, Gene
McConkey, Mark

CHESHIRE

Butcher, Suzanne
Emerson, Susan
Roberts, Kris
Weed, Charles

Butynski, William
Espiefs, Peter
Robertson, Timothy

Chase, William
Foote, Sheila
Sawyer, Sheldon

Coates, Christopher
Hogancamp, Deborah
Tilton, Anna

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Richardson, Herbert

Merrick, Scott
Stohl, Eric

Morneau, Renney
Tholl, John Jr

GRAFTON

Cooney, Mary
Hammond, Lee
Naro, Debra

Gionet, Edmond
Harding, A Laurie
Nordgren, Sharon

Giuda, Robert
Mirski, Paul
Solomon, Peter

Ham, Bonnie
Mulholland, Catherine
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
 Bergeron, Jean-Guy
 Brassard, Paul
 Christensen, D L Chris
 Cote, David
 Daniuk, Caitlin
 Emerton, Larry
 Gibson, John
 Goyette, Peter Jr
 Hinkle, Peyton
 Johnson, Paula
 Lasky, Bette
 Matarazzo, Anthony Sr
 O'Brien, William
 Price, Pamela
 Rosenwald, Cindy
 Schulze, Joan
 Souza, Kathleen
 Vaillancourt, Steve

Balboni, Michael
 Bergin, Peter
 Brundige, Robert
 Christiansen, Lars
 Coughlin, Pamela
 DeVries, Betsi
 Foster, Linda
 Ginsburg, Ruth
 Graham, John
 Holden, Randolph
 Johnson, Paula
 Lessard, Rudy
 Mead, Robert
 O'Connell, Timothy
 Reeves, Sandra
 Ross, Lawrence
 Shattuck, Gilman
 Sullivan, Francis
 Velez, Hector

Baroody, Benjamin
 Biundo, Michael
 Calawa, Leon Jr
 Clark, Mark
 Craig, James
 Drisko, Richard
 Francoeur, Bea
 Golding, William
 Harvey, Suzanne
 Infantine, William
 Kurk, Neal
 Manney, Pamela
 Michon, Stephen
 Ober, Lynne
 Renzullo, Andrew
 Rowe, Robert
 Shaw, Kimberly
 Tahir, Saghir
 Villeneuve, Maurice

Beaulieu, Jane
 Boehm, Ralph
 Chase, Claudia
 Clemons, Jane
 Crane, Elenore Casey
 Elliott, Nancy
 Gargas, Carolyn
 Goley, Jeffrey
 Hellwig, Steve
 Jasper, Shawn
 L'Heureux, Robert
 Martin, Mary Ellen
 Mooney, Maureen
 Pilotte, Maurice
 Rochette, Eric
 Ryder, Donald
 Smith, David
 Ulery, Jordan
 Wheeler, James

MERRIMACK

Anderson, Eric
 Clarke, Claire
 Field, William
 Kennedy, Richard
 Maxfield, Roy
 Reardon, Tara
 Tilton, Joy
 Whiting, Herbert

Blanchard, Elizabeth
 Danforth, James
 French, Barbara
 Kidder, David
 McMahon, Patricia
 Rush, Deanna
 Tupper, Frank
 Williams, Robert

Bouchard, Candace
 DeJoie, John
 Gile, Mary
 Langlais, Thomas
 Osborne, Jessie
 Ryan, Jim
 Wallner, Mary Jane

Brueggemann, Donald
 DeStefano, Stephen
 Hamm, Christine
 Marple, Richard
 Potter, Frances
 Shurtleff, Stephen
 Walz, Mary Beth

ROCKINGHAM

Belanger, Ronald
 Brown, C.
 Carson, Sharon
 Doyle, Christopher
 Flockhart, Eileen
 Hopfgarten, Paul
 Katsakiores, Phyllis
 McKinney, Betsy
 Norelli, Terie
 Palazzo, Frank
 Quandt, Matthew
 Rolston, James
 Stiles, Nancy
 Wells, Roger

Bettencourt, David
 Buxton, Donald
 Charron, Gene
 Dumaine, Dudley
 Forsing, Robert
 Hughes, Daniel
 Kobel, Rudolph
 McMahon, Charles
 Nowe, Ronald
 Powers, James
 Rausch, James
 Sanders, Elisabeth
 Waterhouse, Kevin
 Weyler, Kenneth

Bicknell, Elbert
 Cady, Harriet
 Coburn, James
 Fesh, Bob
 Garrity, James
 Itse, Daniel
 Langley, Jane
 Moody, Marcia
 O'Neil, Michael
 Priestley, Anne
 Robertson, Carl
 Scamman, Stella
 Weare, E Albert
 Winchell, George

Bridle, Russell
 Camm, Kevin
 DiFruscia, Anthony
 Flanders, John Sr
 Griffin, Mary
 Katsakiores, George
 Major, Norman
 Morris, Richard
 Packard, Sherman
 Quandt, Marshall Lee
 Robinson, John
 Splaine, James
 Welch, David

STRAFFORD

Bickford, David
 Chaplin, Duncan
 Heon, Richard
 Kaen, Naida
 Smith, Marjorie

Brown, Jennifer
 Cilley, Jacalyn
 Hilliard, Dana
 Newton, Clifford
 Wall, Janet

Brown, Lawrence
 Dunlap, Patricia
 Hofemann, Roland
 Rollo, Michael

Cataldo, Sam
 Easson, Timothy
 Johnson, Nancy
 Rous, Emma

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte

Converse, Larry
 Jillette, Arthur Jr

Donovan, Thomas
 Osgood, Philip Sr

Gale, Harry
 Phinizy, James

NAYS 36 BELKNAP

Nedeau, Stephen

CARROLL

Brown, Carolyn

Patten, Betsey

CHESHIRE

Parkhurst, Henry

Richardson, Barbara

COOS

Theberge, Robert

GRAFTON

Almy, Susan

Sokol, Hilda

Sorg, Gregory

HILLSBOROUGH

Buhlman, David

Carew, James

Desmarais, Vivian

Essex, David

Gorman, Mary

Hagan, Barbara

Hall, Betty

Hawkins, Ken

Movsesian, Lori

Shaw, Barbara

Slocum, Lee

MERRIMACK

Lockwood, Priscilla

MacKay, James

ROCKINGHAM

Allen, Mary

Cali-Pitts, Jacqueline

Cooney, Richard

Dowling, Patricia

Francoeur, Sheila

Gould, Kenneth

STRAFFORD

Brown, Julie

Creteau, Irene

Keans, Sandra

Schmidt, Peter

Spang, Judith

SULLIVAN

Ferland, Brenda

Prichard, Stephen

Rodeschin, Beverly

and the motion was adopted.

Ordered to third reading.

HB 1101-FN-L, relative to the definition of "hotel" for purposes of exclusion from the meals and rooms tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: While this is well intended legislation; it would exempt rooming houses, which provide low cost, short term living space, from the rooms and meals tax. As it is, the tax is not applied to rental agreements greater than 180 days or is refunded when agreements go beyond 180 days. Proof that the refund was provided to the taxpayer is required to get the 180 day refund. Under this legislation only rooms which rent for less than \$140.01 per week would be affected. Under this legislation the benefit would accrue to the proprietor, current law provides that the taxpayer is the renter and must receive the refund, the tax amount would be less than \$1.61 per day. As with many of the changes we make to existing law, there are often unintended consequences. By definition it is impossible to anticipate what all of those consequences would be, in this case the Commissioner of the Department of Revenue Administration indicated that he did not see a way to insure that there would be no such problems. An amendment was offered in an attempt to fix the potential problems and more narrowly define what a rooming house is. The amendment would have required the department to adopt rules, rules require the reallocation of resources to develop, administer and enforce; resources which are better used collecting money owed the state. There is concern that even with the amendment, there are certain other types of rentals that may become eligible for the exemption, an unexplored example would be a cabin rental which is available on a year round basis. Vote 12-5.

Rep. Susan W. Almy for the Minority of Ways and Means: For those who suddenly cannot afford to pay the rent or mortgage, low-cost commercial rooming houses are the only alternative to sleeping out in the cold or throwing themselves on the mercy of municipal welfare departments or the overwhelmed charitable shelters. These rooming houses struggle with high property taxes and maintenance costs, and their numbers have shrunk over the years as their target clientele finds them harder to afford. The Rooms and Meals Tax adds about 10 percent onto their cost. Eight percent is for the tax, and the rest for the complicated paperwork needed for what is usually a 6-20 bed operation. This bill as amended would respect the constitutional mandate of reasonable taxation by exempting low-rent rooming houses licensed as charging \$20/night or less from the Rooms and Meals Tax, thus making it easier for this free enterprise alternative to town welfare to survive. Majority committee report adopted.

HB 1418-FN, relative to road toll refunds. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christine C. Hamm for Ways and Means: Under current law, consumers are allowed to apply for a road toll refund for the tax levied on gasoline purchased for use in boats and other off-road vehicles. In 2005, more than half the people entitled to these refunds did not apply for them, thus causing these monies to lapse – half into the general fund, the balance to the Fish and Game Department. This legislation would enable consumers entitled to the refund to elect to direct these funds either to the Navigation Safety Fund or to the Lake Restoration and Preservation Fund to be allocated to the control and prevention of exotic aquatic species. Most of the committee doubted this would amount to a significant increase in the allocations currently provided for these undertakings but, considering that most of these monies were generated through boating activities, the majority considered it appropriate to give consumers the opportunity to direct their refunds to benefit the state's lakes and ponds. The amendment was submitted to provide a mechanism for improving some technicalities relating to filing times and administration of the refund. Vote 10-8.

Amendment (0512h)

Amend the bill by replacing section 1 with the following:

1 Road Tolls; Refunds; Deadline. Amend RSA 260:47, III(a) to read as follows:

(a)(1) *Except as provided in subparagraph (2)*, all applications for refunds shall be made subject to prosecution for unsworn falsification pursuant to RSA 641:3 and shall be filed with the department no later than the deadline for filing with the federal government for refund of the federal excise taxes on fuel. This filing deadline may be waived by the commissioner for just cause for agencies of political subdivisions within the state. The waiver shall not be granted to any such agency more often than once in 3 years.

(2) *All applications for refunds for fuel used for off highway recreational vehicles, snowmobiles, and boats shall be made subject to prosecution for unsworn falsification pursuant to RSA 641:3 and shall be filed with the department annually no later than April 15 of the year following the calendar year the motor fuel was purchased by the user.*

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill authorizes the payment of road toll refunds to the navigation safety fund or the lake restoration and preservation fund if requested by the applicant. This bill also changes the deadline for road toll refund applications for fuel used for off highway recreational vehicles, snowmobiles, and boats. Amendment adopted.

On a division vote, 225 members having voted in the affirmative and 38 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1515-FN-A, increasing the tobacco tax and dedicating certain tobacco tax revenues to the tobacco use prevention fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Howie Lund for the Majority of Ways and Means: This bill would increase the tobacco tax and dedicate a certain portion of tobacco tax to the tobacco use and prevention fund. The Tobacco Prevention Program is currently funded yearly with \$1.6 million of federal funds. The committee felt the goal of the bill was laudable but that this very important revenue stream should not be changed at this time. The tobacco tax was raised 54 percent (twenty-eight cents) during our last session. This is the state's fourth largest tax source which makes it a key contributor in the funding of the state's budget. Vote 13-6.

Rep. Susan W. Almy for the Minority of Ways and Means: Last year, the percentage of New Hampshire's population that smokes started up again. We know these smokers will cost us dearly through our county nursing homes, state Medicaid budget, private insurance rates, general worker productivity, and early loss of life. We also have good evidence now that prevention works – econometric modeling based on all 50 states shows a doubling of the reduction in the smoking rate over 6 years if every state followed at least the minimum CDC recommended funding levels of \$6 per capita. We had a good program started in 2001, we lost the American Legacy Fund money because we killed all state funding in 2003, and the federal grants remaining are both uncertain and much smaller. We are handing the next generation two major burdens – greatly increased health budgets, and working lives cut short. This Legislature must get serious about prevention of future cost escalation.

Rep. Francis Sullivan requested a roll call; sufficiently seconded.

YEAS 240 NAYS 30

YEAS 240

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey

CHESHIRE

Butynski, William	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Sawyer, Sheldon	Tilton, Anna		

COOS

Buzzell, Bernard	Merrick, Scott	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Almy, Susan	Cooney, Mary	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Mirski, Paul	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Brassard, Paul	Brundige, Robert
Buhlman, David	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Clemons, Jane	Cote, David	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
Drisko, Richard	Emerton, Larry	Foster, Linda	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Holden, Randolph	Infantine, William
Jasper, Shawn	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lessard, Rudy	Manney, Pamela	Martin, Mary Ellen
Mead, Robert	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rochette, Eric	Ross, Lawrence

Rowe, Robert
Shaw, Kimberly
Ulery, Jordan

Ryder, Donald
Slocum, Lee
Vaillancourt, Steve

Schulze, Joan
Souza, Kathleen
Villeneuve, Maurice

Shaw, Barbara
Sullivan, Francis
Wheeler, James

MERRIMACK

Anderson, Eric
Danforth, James
French, Barbara
Kidder, David
Maxfield, Roy
Ryan, Jim
Wallner, Mary Jane

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Lockwood, Priscilla
McMahon, Patricia
Shurtleff, Stephen
Whiting, Herbert

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
MacKay, James
Osborne, Jessie
Tilton, Joy
Williams, Robert

Brueggemann, Donald
Field, William
Kennedy, Richard
Marple, Richard
Reardon, Tara
Tupper, Frank

ROCKINGHAM

Allen, Mary
Bridle, Russell
Cali-Pitts, Jacqueline
Coburn, James
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Katsakiores, George
Major, Norman
Morris, Richard
Palazzo, Frank
Rausch, James
Sanders, Elisabeth
Weare, E Albert
Winchell, George

Belanger, Ronald
Brown, C.
Camm, Kevin
Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Hopfgarten, Paul
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Priestley, Anne
Robertson, Carl
Scamman, Stella
Welch, David

Bettencourt, David
Buxton, Donald
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Garrity, James
Hughes, Daniel
Kobel, Rudolph
McMahon, Charles
O'Neil, Michael
Quandt, Marshall Lee
Robinson, John
Stiles, Nancy
Wells, Roger

Bicknell, Elbert
Cady, Harriet
Charron, Gene
Dowling, Patricia
Flanders, John Sr
Gould, Kenneth
Itse, Daniel
Langley, Jane
Moody, Marcia
Packard, Sherman
Quandt, Matthew
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Bickford, David
Chaplin, Duncan
Easson, Timothy
Keans, Sandra
Schmidt, Peter

Brown, Jennifer
Cilley, Jacalyn
Hofemann, Roland
Newton, Clifford
Smith, Marjorie

Brown, Julie
Creteau, Irene
Johnson, Nancy
Rollo, Michael
Wall, Janet

Cataldo, Sam
Dunlap, Patricia
Kaen, Naida
Rous, Emma

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Jillette, Arthur Jr
Rodeschin, Beverly

Ferland, Brenda
Osgood, Philip Sr

Gale, Harry
Phinizy, James

NAYS 30

BELKNAP

Rosen, Ralph

CARROLL

Stevens, Stanley

CHESHIRE

Butcher, Suzanne
Weed, Charles

Chase, William

Coates, Christopher

Robertson, Timothy

COOS

None

GRAFTON

Ham, Bonnie

Mulholland, Catherine

Solomon, Peter

HILLSBOROUGH

Calawa, Leon Jr
Matarazzo, Anthony Sr
Velez, Hector

Chase, Claudia
Pilotte, Maurice

DeVries, Betsi
Shattuck, Gilman

Essex, David
Smith, David

MERRIMACK

Clarke, Claire

Potter, Frances

Rush, Deanna

Walz, Mary Beth

ROCKINGHAM

Flockhart, Eileen

Norelli, Terie

Powers, James

Splaine, James

STRAFFORD

Brown, Lawrence

Spang, Judith

SULLIVAN

Converse, Larry

and the majority committee report was adopted.

HB 1604-FN-A-L, establishing business tax credits for employer-sponsored shared commuting costs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Kevin L. Camm for the Majority of Ways and Means: This bill would have provided tax credits to employers that develop ride share/commuter initiatives up to the \$250 per employee. The majority believes that such a policy would have indeterminable costs and unconvincing results. The committee is not in favor of narrowly focused tax credits since others must replace lost revenue. Should a business employ an individual to administer such a program, those costs are already legitimate business expenses to the company. It should be a case-by-case business decision to organize ride share programs. Since it is a laudable idea, individuals that take their cars off the road will benefit through less gas and oil expenses as well as less wear and tear on their vehicles and thus more money in their pockets. Should four individuals from a company organize their commuting efforts that would take three cars off the road providing major savings to the four individuals? The state would benefit by less congestion on the road and an improvement to air quality. The state would lose the revenue from the gas tax of the three vehicles removed from the road. To then further reward the company \$1000 in tax credits was deemed too excessive. Vote 15-4.

Rep. Christine C. Hamm for the Minority of Ways and Means: This legislation elicited testimony from a variety of sources, including members of the public, the business community, non-profit agencies and the Department of Environmental Services, all of whom saw it as a creative attempt to preserve the state's quality of life by providing a small incentive for lessening gasoline consumption, relieving traffic congestion, alleviating parking problems and reducing toxic emissions that contaminate the state's air quality and degrade even its most remote and superlative views. Although there was an attempt to amend the bill to provide appropriate agency oversight, the majority of the committee voted Inexpedient to Legislate. The minority believes a better alternative would have been Interim Study, which would have provided an opportunity for members of the Ways and Means Committee to reduce the state's fiscal exposure by capping the tax credits, at the same time enabling them to collaborate with other legislative committees to preserve the bill's benefits while addressing its perceived shortcomings. Majority committee report adopted.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Hopfgarten moved that the House reconsider its action whereby it found **HB 1651-FN-A-L**, repealing the statewide enhanced education tax, Inexpedient to Legislate.

Reps. Mirski and Vaillancourt spoke in favor.

Rep. Camm spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 90 NAYS 171

YEAS 90

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Morrison, Gail

Pilliod, James

Rosen, Ralph

CARROLL

Dickinson, Howard Olimpio, J Lisbeth

CHESHIRE

Butynski, William Chase, William Emerson, Susan Sawyer, Sheldon
Weed, Charles

COOS

Morneau, Renney Theberge, Robert

GRAFTON

Cooney, Mary Gionet, Edmond Giuda, Robert Ham, Bonnie
Mirski, Paul Solomon, Peter Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Bergeron, Jean-Guy
Biundo, Michael	Buhlman, David	Calawa, Leon Jr	Christiansen, Lars
Clark, Mark	Clemons, Jane	Cote, David	Craig, James
Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea	Gibson, John
Ginsburg, Ruth	Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara
Hellwig, Steve	Lasky, Bette	Martin, Mary Ellen	Mead, Robert
Michon, Stephen	Mooney, Maureen	O'Brien, William	Renzullo, Andrew
Slocum, Lee	Souza, Kathleen	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Danforth, James	Field, William
Kennedy, Richard	Marple, Richard	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy		

ROCKINGHAM

Bicknell, Elbert	Brown, C.	Cady, Harriet	Cali-Pitts, Jacqueline
Dumaine, Dudley	Hopfgarten, Paul	Hughes, Daniel	Itse, Daniel
Langley, Jane	Morris, Richard	Norelli, Terie	Nowe, Ronald
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Splaine, James
Winchell, George			

STRAFFORD

Bickford, David	Cataldo, Sam	Easson, Timothy	Rollo, Michael
Rous, Emma			

SULLIVAN

Cloutier, John	Converse, Larry	Houde-Quimby, Charlotte	Phinizy, James
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NAYS 171**BELKNAP**

Allen, Janet	Clark, Charles	Fitzgerald, James	Millham, Alida
Nedean, Stephen	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Butcher, Suzanne	Coates, Christopher	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Parkhurst, Henry	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		

COOS

Buzzell, Bernard
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Almy, Susan
Nordgren, Sharon

Hammond, Lee
Sokol, Hilda

Harding, A Laurie
Williams, Burton

Mulholland, Catherine

HILLSBOROUGH

Bergin, Peter
Chase, Claudia
Desmarais, Vivian
Essex, David
Goley, Jeffrey
Hawkins, Ken
Jasper, Shawn
Lessard, Rudy
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Velez, Hector

Brassard, Paul
Christensen, D L Chris
DeVries, Betsi
Foster, Linda
Graham, John
Hinkle, Peyton
Kopka, Angeline
Manney, Pamela
Ober, Lynne
Rochette, Eric
Schulze, Joan
Smith, David

Brundige, Robert
Coughlin, Pamela
Drisko, Richard
Gargas, Carolyn
Hall, Betty
Holden, Randolph
Kurk, Neal
Matarazzo, Anthony Sr
Pilotte, Maurice
Ross, Lawrence
Shattuck, Gilman
Sullivan, Francis

Carew, James
Daniuk, Caitlin
Emerton, Larry
Golding, William
Harvey, Suzanne
Infantine, William
L'Heureux, Robert
Movesian, Lori
Price, Pamela
Rowe, Robert
Shaw, Barbara
Ulery, Jordan

MERRIMACK

Anderson, Eric
Hamm, Christine
McMahon, Patricia
Tupper, Frank
Williams, Robert

Brueggemann, Donald
Kidder, David
Osborne, Jessie
Wallner, Mary Jane

French, Barbara
Lockwood, Priscilla
Potter, Frances
Walz, Mary Beth

Gile, Mary
MacKay, James
Reardon, Tara
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Buxton, Donald
Coburn, James
Fesh, Bob
Francoeur, Sheila
Katsakiores, George
McKinney, Betsy
Packard, Sherman
Robertson, Carl
Scamman, Stella
Welch, David

Belanger, Ronald
Camm, Kevin
DiFruscia, Anthony
Flanders, John Sr
Garrity, James
Katsakiores, Phyllis
McMahon, Charles
Palazzo, Frank
Robinson, John
Stiles, Nancy
Wells, Roger

Bettencourt, David
Carson, Sharon
Dowling, Patricia
Flockhart, Eileen
Gould, Kenneth
Kobel, Rudolph
Moody, Marcia
Priestley, Anne
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Bridle, Russell
Charron, Gene
Doyle, Christopher
Forsing, Robert
Griffin, Mary
Major, Norman
O'Neil, Michael
Rausch, James
Sanders, Elisabeth
Weare, E Albert

STRAFFORD

Brown, Julie
Dunlap, Patricia
Keans, Sandra
Wall, Janet

Brown, Lawrence
Hofemann, Roland
Newton, Clifford

Chaplin, Duncan
Johnson, Nancy
Schmidt, Peter

Creteau, Irene
Kaen, Naida
Spang, Judith

SULLIVAN

Donovan, Thomas
Osgood, Philip Sr
and the motion failed.

Ferland, Brenda
Prichard, Stephen

Gale, Harry
Rodeschin, Beverly

Jillette, Arthur Jr

SPECIAL ORDER

Rep. O'Neil moved that the balance of today's calendar and bills removed from the Consent Calendar be made a Special Order for Tuesday, March 7, 2006.

HB 1628, relative to expenses of operating bingo games.

HB 1638-FN-A, reducing the rate of the communications services tax.

HB 1335, relative to the authority of law enforcement officers during a state of emergency.

HB 1639-FN, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency.

HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution.

HB 1266, relative to acceptance of consular identification documents.

HB 1322, relative to the establishment of allodial rights.

HB 1641-FN, establishing a common law court.

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution.

HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way.

Motion adopted.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that House Rules be so far suspended as to allow referral to a second committee of **HB 1331**, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

Adopted by the necessary two-thirds.

Referred to the committee on Finance.

MOTION TO PRINT REMARKS

Rep. Itse moved that Rep. Bettencourt's remarks on **HB 1417**, establishing gold star number plates, be printed in the Permanent Journal.

On a division vote, 128 members having voted in the affirmative and 130 in the negative, the motion failed.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 7, 2006 at 1:00 p.m. Adopted.

LATE SESSION

Third reading and final passage

HB 1435, relative to the emergency plan for service animals.

HB 1157, relative to the definition of a sending district.

HB 690-FN, relative to aid to the needy blind and relative to undue hardship for public assistance.

HB 1656-FN-A, establishing an electronic toll collection transponder inventory fund.

HB 1765-FN-A-L, relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.

HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nesting loons.

HB 1182-FN, relative to the limited commercial lobster license fees.

HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.

HB 1346, requiring certain persons to keep the contents of prescriptions confidential.

HB 1465-FN, relative to food stamp overpayments.

HB 1709-FN, establishing an autism registry in the department of health and human services.

HB 1722-FN, relative to the New Hampshire council on developmental disabilities.

- HB 1763*, extending a committee and adding certain duties relative to pharmacy reimbursement.
HB 1764, relative to the committee to study medicaid reimbursement rates for pharmacy providers.
HB 1512, establishing a committee to study volunteer activity related to transportation.
HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts.
HB 1273, relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline.
HB 1584, relative to cemetery setbacks and septic systems.
HB 1313, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge.
HJR 23, designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail.
HB 1146, establishing a committee to study renewable portfolio standards.
HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission.
HB 1201, relative to child passenger restraints.
HB 1484, relative to including motorcycle and tractor-trailer safety in driver education courses.
HB 1444, relative to definitions under the real estate transfer tax.
HB 1580, relative to the child support formula.
HB 1509, relative to campaign expenditure and contribution limitations.
HB 1269, relative to the taking of red deer or elk.
HB 1681-FN, establishing the unused prescription drug program.
HB 1597-FN-L, relative to municipal obligations for indigent medical expenses.
HCR 22, relative to the right to pursue a livelihood in natural resources industries.
HR 22, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II."
HB 1307, relative to application requirements for motor vehicle recycling yard licenses.
HB 1417-FN, establishing gold star number plates.
HB 1418-FN, relative to road toll refunds.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purposes of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
 Adopted.

The House recessed at 6:20 p.m.

RECESS

(Rep. Wallner in the Chair)

RESOLUTION

Rep. Craig offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 22, 24, 26, 131, 178, 190, 200, 207, 221, 233, 234, 238, 239, 242, 245, 246, 249, 251, 252, 255, 256, 260, 264, 265, 269, 271, 274, 283, 286, 287, 288, 289, 294, 295, 310, 319, 322, 328, 330, 332, 335, 336, 344, 348, 349, 351, 357, 358, 370, 371, 376, 379, 387, 388, 389, and Senate Joint Resolution numbered 4, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.
 Adopted.

INTRODUCTION OF SENATE BILLS and SJR

First, second reading and referral

- SB 22*, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001. (Education)
SB 24, relative to disposition upon death of patient accounts in nursing homes. (Judiciary)
SB 26, requiring identification to obtain a ballot. (Election Law)

- SB 131-FN*, establishing a school choice certificate program. (Education)
- SB 178*, designating a certain highway the Gold Star Mothers Highway. (Public Works and Highways)
- SB 190-L*, establishing a committee to study including workforce housing in zoning ordinances. (Municipal and County Government)
- SB 200*, establishing the uniform athlete agents act. (Executive Departments and Administration)
- SB 207-FN*, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability. (Criminal Justice and Public Safety)
- SB 221*, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll. (Transportation)
- SB 233*, relative to motorcycle rider education. (Transportation)
- SB 234*, including the International Residential Code 2000 in the definition of the state building code. (Executive Departments and Administration)
- SB 238*, relative to assistance to members of the general court provided by the legislative budget assistant. (Legislative Administration)
- SB 239*, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge. (Public Works and Highways)
- SB 242*, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate. (Judiciary)
- SB 245*, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. (Judiciary)
- SB 246*, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. (Criminal Justice and Public Safety)
- SB 249*, allowing a master electrician to have 2 apprentice electricians under his or her supervision and relative to examinations of electricians by the electricians' board. (Executive Departments and Administration)
- SB 251*, relative to the enforcement authority of the division of safety services. (Criminal Justice and Public Safety)
- SB 252*, relative to certification of speech-language assistants for purposes of speech language pathology practice. (Executive Departments and Administration)
- SB 255*, establishing a committee to study the funding necessary to operate the hazardous materials program in New Hampshire. (Environment and Agriculture)
- SB 256*, relative to the definition of "harm" for purposes of the crime of improper influence. (Criminal Justice and Public Safety)
- SB 260*, relative to certification of a registered nurse responsible for emergency medical transportation. (Executive Departments and Administration)
- SB 264*, relative to the chief financial officer of the department of environmental services. (Executive Departments and Administration)
- SB 265*, relative to workers' compensation requirements for out-of-state employers and employees. (Labor, Industrial and Rehabilitative Services)
- SB 269*, ratifying certain actions at the 1996 Seabrook annual town meeting. (Municipal and County Government)
- SB 271*, relative to the availability of voter checklist information. (Judiciary)
- SB 274*, adding court security to the duties of the New Hampshire court accreditation commission. (Judiciary)
- SB 283-FN*, relative to stop loss insurance. (Commerce)
- SB 286-FN*, relative to notice to defendants in small claims actions. (Judiciary)
- SB 287-FN*, making certain changes to the eminent domain statute. (Judiciary)
- SB 288-FN*, relative to street rods. (Transportation)
- SB 289*, relative to the brain and spinal cord advisory council. (Health, Human Services and Elderly Affairs)
- SB 294-FN-A*, authorizing 7 additional state troopers and making an appropriation therefor. (Finance)

- SB 295-FN*, relative to registration of business entities. (Executive Departments and Administration)
- SB 310-FN*, establishing gold star number plates and relative to special number plates for veterans. (Transportation)
- SB 319*, establishing a task force to study county government. (Municipal and County Government)
- SB 322*, establishing the business loan enhancement program and relative to the capital asset backed guarantee program. (Finance)
- SB 328*, relative to the regulation of snowmobiles and off highway recreational vehicles. (Fish and Game)
- SB 330*, relative to outdoor advertising. (Commerce)
- SB 332*, making technical corrections to the uniform trust code and related statutes. (Judiciary)
- SB 335*, relative to funds of the department of resources and economic development used for snowmobile trail grooming equipment. (Resources, Recreation and Development)
- SB 336*, relative to security deposits in landlord tenant matters. (Judiciary)
- SB 344*, establishing a committee to study state benefit programs for national guard members. (State-Federal Relations and Veterans Affairs)
- SB 348*, prohibiting the taking of arms and ammunition in a declared state of emergency. (Criminal Justice and Public Safety)
- SB 349*, relative to the HIV/AIDS service delivery system. (Health, Human Services and Elderly Affairs)
- SB 351-FN*, declaring drowning as cruelty to animals. (Environment and Agriculture)
- SB 357-FN*, relative to eligibility for motorcycle licenses. (Transportation)
- SB 358-FN*, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients. (Executive Departments and Administration)
- SB 370-FN*, relative to multidisciplinary child protection teams. (Children and Family Law)
- SB 371-FN*, relative to the continuation of certain wetlands fees. (Ways and Means)
- SB 376-FN-A*, relative to revenues dedicated to the education trust fund. (Ways and Means)
- SB 379*, relative to harm or threats to certain government officials. (Criminal Justice and Public Safety)
- SB 387*, relative to energy efficiency loans and guarantees by the business finance authority. (Finance)
- SB 388*, relative to farm composting and pesticides. (Environment and Agriculture)
- SB 389*, establishing a committee to study energy efficiency programs funded by the system benefits charge. (Science, Technology and Energy)
- SJR 4*, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel. (State-Federal Relations and Veterans Affairs)

SENATE MESSAGE NONCONCURRENCE

- HB 515*, relative to purchasing alliances.
- HB 538*, relative to deconstruction of structures.

RECESS

RESOLUTION (Rep. Cloutier in the Chair)

Rep. Graham offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 253, 281, 282, 296, 300, 325, 334, 359, 396, and 400 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

- SB 253*, relative to enforcement of support orders for college and postsecondary educational expenses. (Judiciary)

SB 281-FN, establishing an organ and tissue donor registry. (Transportation)

SB 282-FN-L, relative to removal of abandoned vehicles. (Transportation)

SB 296-FN, relative to recovery of public assistance. (Health, Human Services and Elderly Affairs)

SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax. (Ways and Means)

SB 325, making technical corrections and other changes to motor vehicle laws. (Transportation)

SB 334, authorizing the use of a credit freeze as a means of deterring identity theft. (Commerce)

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board. (Executive Departments and Administration)

SB 396, repealing the rulemaking authority of the New Hampshire children's trust fund board. (Children and Family Law)

SB 400-FN, relative to highway welcome signs. (Transportation)

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 7

Tuesday, March 7, 2006

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

We begin today, O God, with gratitude for the week just passed. A week most of us spent catching up on the things we'd left behind during our last rigorous session and catching up with loved ones. And so we return to another full week of legislative duties grateful for our many blessings. In the days to come, O God, we face many important, weighty debates, bills and resolutions. Together we will wrestle with issues concerning eminent domain, same-sex marriage, voting rights, school vouchers, job protection and many other far ranging topics.

Give us, we pray, a willing spirit to listen with attentiveness to arguments which do not match our own opinions. To articulate fairly and respectfully the positions at which we arrive. To always remain open to new insights and understandings. To listen for Your will anew, even if we already think we know it. To legislate not only for what is practical but for that which will bless, serve, protect and uphold the common good and our shared future as brothers and sisters, and citizens of New Hampshire. In Your name we pray. Amen.

Rep. David H. Kidder, member from New London, led the Pledge of Allegiance.

The National Anthem was sung by Janet Schmitt, a student from Lebanon High School.

LEAVES OF ABSENCE

Reps. Nelson Allan, Barker, Callaghan, Carlson, Claudia Chase, Chabot, Gillick, Hunter, Lessard, Oliver, Pantelakos, Putnam, Snyder and Wiley, the day, illness.

Reps. Abbott, Adams, Aguiar, Charles Clark, Mark Clark, Daniuk, Dexter, Drisko, Daniel Eaton, Donald Flanders, Gile, Ginsburg, Goodwin, Greco, Haley, Christine Hamm, Hutchinson, Kobel, Lary, Lockwood, Mirski, Naro, O'Neil, Reardon, Reeves, Rochette, Rosen, Serlin, Souza, Twombly and Wells, the day, important business.

Reps. Matarazzo and Ross, the day, illness in the family.

Reps. Morneau and Walz, the day, death in the family.

INTRODUCTION OF GUESTS

Peter Schmitt, father of today's singer, guest of the House. Kelsey Hardy and Alyssa Reetz, granddaughter and guest of Rep. Houde-Quimby. Fred Mullen, guest of Rep. Eric Anderson. Members of the Greater Portsmouth Chamber of Commerce, guests of the Portsmouth delegation.

Katherine DeJoie, Rundlett Middle School student, Page for the Day.

MOTION TO VACATE

Rep. Bergin moved that the House vacate the reference of *SB 295-FN*, relative to registration of business entities, to the committee on Executive Departments and Administration.

Motion adopted.

The Speaker referred *SB 295-FN*, to the committee on Commerce.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Weyler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1233-FN, including public officials under the real estate practice act, removed by Rep. Newton.

HB 1399, relative to the compensation paid to directors or officers of a charitable trust, removed by Rep. Cady.

HB 1137, relative to criminal trespass, removed by Rep. Renzullo.

HB 1354, relative to physical force in defense of a person, removed by Rep. Dickinson.

HB 1736-FN-L, relative to tuition payments made to charter schools, removed by Rep. Lars Christiansen.

HB 1481, establishing a moratorium period for lobbying by certain state officers, removed by Rep. Peter Sullivan.

HB 1111, designating the pumpkin as the New Hampshire state fruit, removed by Rep. Babson.

HB 1216, relative to the sale of unpasteurized milk, removed by Rep. Pilliod.

HB 1534, relative to maintaining construction and demolition debris as a solid waste, removed by Rep. Slocum.

HB 1616-FN, establishing a performance measurement system for state agencies, removed by Rep. Coburn.

HB 1129, relative to eminent domain, removed by Rep. Villeneuve.

HB 1510, relative to leave of absences to serve as a legislator, removed by Rep. Cali-Pitts.

CACR 33, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries, removed by Rep. Buzzell.

HB 1757, relative to taxation of renewable generation facilities, removed by Rep. Slocum.

HB 1684, establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property, removed by Rep. Millham.

HB 1506, requiring children 12 years of age or under to wear personal flotation devices, removed by Rep. Whalley.

HB 1582, prohibiting New Hampshire from participating in a national identification card system, removed by Rep. Dickinson.
Consent Calendar adopted.

HB 1107, relative to requirements for commercial construction contracts. **REFER FOR INTERIM STUDY.**

Rep. David H. Kidder for Commerce: This bill would establish timely payment requirements; regulate retainage practices as well as prohibiting "no-lien" clauses. The committee believes that this bill has some merit, but it has also raised many questions. The contractors and subcontractors have met and are working on solutions. The committee felt that interim study would provide the venue to achieve those solutions. Vote 17-0.

HB 1112, relative to disclosure of appeals processes under insurance policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce: This bill would require all insurers to provide, on the first page of an insurance policy to an insured, a description of the appeals process along with the address and telephone number of the insurance department. After lengthy discussion and even talk of sending this to interim study, the committee felt that more work and more information from the insurance department was needed and new legislation should be filed. Vote 15-2.

HB 1126, relative to licenses for first mortgage bankers and brokers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara G. Reardon for Commerce: This bill was a request by the banking department to update certain sections of the banking statutes that were found to be deficient during rulemaking. The length of the bill is due to the changes being duplicated in five different statutes. Definitions and a procedure to do background checks and fingerprinting of banking department employees were added. Those checks are required for those employees to participate in certain fraud prevention seminars offered by the federal government. Vote 16-0.

Amendment (0997h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

Amend the bill by replacing all after the enacting clause with the following:

I New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph III-b the following new paragraph:

III-c. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

2 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

3 New Paragraph; Definitions. Amend RSA 361-A:1 by inserting after paragraph VIII-b the following new paragraph:

VIII-c. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to sections 12 or 15(d) of the Securities Exchange Act of 1934.

4 Licensed Retail Sellers. Amend the introductory paragraph of RSA 361-A:1, XIII to read as follows:

XIII. "Sales finance company" means a person engaged, in whole or in part, directly or indirectly, in the business of providing motor vehicle financing in this state to one or more retail buyers, or in the business of purchasing retail installment contracts from one or more retail sellers. The term includes but is not limited to any federally chartered bank, savings bank, trust company, credit union, cooperative bank, finance company, lending agency, industrial bank, or investment company, if so engaged. The term does not include the pledgee of an aggregate number of such contracts to secure a bona fide loan thereon, nor does it include a *licensed* retail seller who:

5 Licensing of Sales Finance Companies and Retail Sellers Required. Amend RSA 361-A:2, II to read as follows:

II. (a) The application for such license shall be in writing and verified on a form prescribed by the commissioner. The application shall contain the name of the applicant; *the tax applicant's identification number*; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; and such other pertinent information as the commissioner may require. The application shall include a list of the names and resident addresses of principals and the name of any person occupying a similar status or performing similar functions. Each principal *and indirect owner* shall *provide his or her social security numbers and shall* authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and those persons listed in the application, and in the case of sales finance companies, the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals *or indirect owners* listed in the application and whether the applicant or any of its principals *or indirect owners* have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony.

(1) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity]~~ *individuals who are indirect* ~~[owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ *owners*.

6 Retail Sellers and Finance Companies Required to Update Information. Amend RSA 361-A:2, XII to read as follows:

XII. Retail sellers and sales finance companies licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the retail seller and sales finance company licensee shall promptly submit an amendment to its application records to correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. *Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.* A licensee shall submit written notification to the department of the addition or deletion of a person required to be listed in the application, and shall provide the name and address of each new person required to be listed no later than 30 days after such change. Each new person required to be listed shall *provide his or her social security number* and authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, the qualifications and business history of each person required to be listed. The licensee shall investigate and disclose any injunction or administrative order that has been issued against the person required to be listed and whether the person required to be listed has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change.

7 Compensation; Assistants. Amend RSA 383:7 to read as follows:

383:7 Compensation; Assistants.

I. The annual salary of the bank commissioner, and that of the deputy commissioner, shall be that prescribed by RSA 94:1-4. The commissioner may appoint examiners and such assistants as may be necessary, within the limits of the appropriations therefor and the rules of the state personnel system. The commissioner, deputy commissioner, examiners, and other assistants shall be allowed their actual traveling expenses when engaged in their official duties. No person shall serve as examiner who would be disqualified to serve as commissioner under the limitations of RSA 383:6, except that examiners may be indebted to such corporations and associations at the time of their appointment, or thereafter, provided any such debt is incurred primarily for personal, household, or family purposes and on terms no more favorable than those afforded to other borrowers, the examiner's employment is disclosed to such corporation or association, and both the examiner and the corporation or association disclose to the commissioner that a debt has been incurred.

II. *The banking department shall complete a background investigation and a criminal history records check on every selected applicant for employment in any position in the banking department prior to a final offer of employment. The banking department may extend a conditional offer of employment to a selected applicant after completing a background investigation, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a conditional offer of employment unless the banking department has initiated a criminal history records check. The banking department shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant with a criminal history was in any way negligent or deficient if the banking department fulfilled the requirements of this section.*

III. *The selected applicant for employment shall submit to the banking department a notarized criminal history records release form, as provided by the division of state police, which authorizes the release of the person's criminal records, if any. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the banking department. In the event that the first set of fingerprints is invalid due to insufficient pattern and a second set of fingerprints is necessary in order to complete the criminal history records check, the conditional offer of employment shall remain in effect. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the banking department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where an applicant has lived during the past 5 years.*

IV. *The banking department shall submit the criminal history records release form to the New Hampshire division of state police, which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the background investigation, the division of state police shall release copies of the criminal conviction records to the department. The department shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph.*

V. This section applies to any employee or selected applicant for employment of the banking department.

8 Payment of Cost of Examination. Amend RSA 383: 11, II (b) to read as follows:

(b) From non-depository lenders and brokers. Each licensee subject to the supervision of the bank commissioner under the provisions of RSA 397-A, ~~[RSA 398-A,]~~ RSA 399-A, and sales finance companies under RSA 361-A, shall be charged and shall pay such proportion of said balance applicable to the consumer credit administration division under the banking department's program appropriation unit designation as its total dollar volume of loans made, originated, funded or brokered bear to the total dollar volume of all such loans made, originated, funded or brokered by such licensees during the preceding calendar year ending December 31, as shown by their annual reports to the commissioner.

9 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

10 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

11 New Paragraph; Definitions. Amend RSA 397-A:1 by inserting after paragraph XX the following new paragraph:

XX-a. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

12 License Application; Requirements; Investigations. Amend RSA 397-A:5, I and II(a) to read as follows:

I. To be considered for licensing, each person shall complete and file with the department one verified application prescribed by the commissioner. At a minimum, the application shall state the primary business address of the applicant, *the applicant's tax identification number*, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals of the applicant. Each principal *and indirect owner* shall *provide his or her social security number and shall* authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose whether the applicant or any of its principals *or indirect owners* has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or has ever been convicted of any felony.

II.(a) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any

person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on the [principals of each equity] *individuals who are indirect* [owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation] *owners*.

13 License Applications; Requirements. Amend RSA 397-A:5, III(c) to read as follows:

(c) Each applicant shall be required to submit to the department detailed financial information sufficient for the commissioner to determine the applicant's ability to conduct the business of a mortgage banker or a mortgage broker with financial integrity. The application shall include a statement of net worth. An applicant or licensee shall demonstrate and maintain a positive net worth. Net worth statements provided in connection with a license application under this section shall be subject to review and verification during the course of any examination or investigation conducted under the authority of RSA 397-A:12. Each mortgage banker applicant shall demonstrate a net worth at all times of at least \$100,000 or increase their posted continuous surety bond to a total amount of \$100,000. Each mortgage *banker and* broker shall post a continuous surety bond in the amount of \$20,000 to the commissioner. Surety bonds shall include a provision requiring the surety to give written notice to the commissioner 20 days in advance of the cancellation or termination of the bond. Every bond shall provide that no recovery may be made against the bond unless the state makes a claim for recovery or the person brings suit naming the licensee within 6 years after the act upon which the recovery or suit is based.

14 New Paragraph; License Requirements. Amend RSA 397-A:5 by inserting after paragraph VI the following new paragraph:

VII. Licensees shall comply with the provisions of HOEPA at all times.

15 Change in Name; Ownership; Location. Amend RSA 397-A:10, IV to read as follows:

IV. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee must promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. *Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.*

16 Annual Report. Amend RSA 397-A:13, I to read as follows:

I. Each licensee shall file, under oath, an annual report with the banking department on or before February 1 each year concerning operations for the preceding year or license period ending December 31 upon the form prescribed by the banking department. The annual report shall include a list of all individuals, and the address of the work location *or an undertaking to provide the address immediately upon the department's request*, of each such individual, who act as originators for the licensee.

17 New Paragraph; Lender's Rights and Broker's Rights. Amend RSA 397-A:16 by inserting after paragraph IV the following new paragraph:

V. In order to issue rate lock commitments, a licensee shall comply with rules adopted by the commissioner.

18 Lender's and Broker's Rights; Second Mortgage Debt. Amend RSA 397-A:16-a, XIII to read as follows:

XIII. Any second mortgage loan made in violation of paragraphs I-VIII by any person shall be discharged upon payment or tender by the debtor or any person succeeding to his or her interest in such real estate of the principal sum actually borrowed. Any agreement whereby the borrower waives the benefits of paragraphs I-VIII or releases any rights he or she may have acquired by virtue thereof shall be deemed against public policy and void. ~~[The superior court shall have jurisdiction of all suits arising under paragraphs I-VIII and, if a finding is made that such loan secured by any such mortgage violates paragraphs I-VIII, the borrower shall be entitled as a part of his or her costs to a reasonable fee for the services of an attorney in such suit.]~~

19 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph I-a the following new paragraph:

I-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

20 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

21 New Paragraph; Definitions. Amend RSA 397-B:1 by inserting after paragraph V the following new paragraph:

VI. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

22 Application of Chapter. Amend RSA 397-B:2, II to read as follows:

II. Persons subject to or ~~[licensed]~~ **registered** under this chapter shall abide by applicable federal laws and regulations, the laws and rules of this state, and the orders of the commissioner. Any violation of such law, regulation, or rule is a violation of this chapter.

23 Registration; Fees; Term; Renewal. Amend RSA 397-B:4, I(b) and (c) to read as follows:

(b) The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, ***the applicant's tax identification number***, and the applicant's proposed method of doing business. The applicant shall disclose whether the applicant or any of its principals ***or indirect owners*** has ever been issued or been the subject of an injunction or administrative order, has ever been convicted of a misdemeanor involving the lending industry or any aspect of the lending business, or has ever been convicted of any felony. Each principal ***and indirect owner*** shall ***provide his or her social security number and*** authorize the commissioner to conduct a background check.

(c) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~[the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation]~~ ***individuals who are indirect owners***.

24 Exemption. Amend RSA 397-B:10 to read as follows:

397-B:10 Exemption. The provisions of this chapter shall not apply to any bank, trust company, savings and loan association, or cooperative bank, savings bank, or credit union which may be chartered by this state or any other state or by any agency of the United States, nor shall the registration provisions of this chapter apply to any individual or entity licensed by the banking department ***as a mortgage banker*** in accordance with RSA 397-A.

25 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph III-a the following new paragraph:

III-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

26 New Paragraph; Definitions. Amend 399-A:1 by inserting after paragraph V the following new paragraph:

V-a. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

27 New Paragraph; Definitions. Amend RSA 399-A:1 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

28 Application and Fees. Amend RSA 399-A:3, 1(a) and (b) to read as follows:

I.(a) Every applicant for licensing under this chapter shall file with the commissioner a written verified application, on a form prescribed by the commissioner. The application shall contain the name of the applicant; *the applicant's tax identification number*; the address where the business is or is to be conducted and similar information for any branch office of the applicant; the trade name, if any, under which the applicant proposes to conduct such business; the articles of incorporation or organization or partnership agreement; the name and address of the New Hampshire resident agent if the applicant is a foreign entity; and such other pertinent information as the commissioner may require. The application shall include the names of the applicant's principals, *indirect owners*, and the name of any person occupying a similar status or performing similar functions. Each such principal *and indirect owner* shall *provide his or her social security number and shall* authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, the qualifications and business history of the applicant and its principals, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals *or indirect owners* and whether the applicant or any of its principals *or indirect owners* have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or of any felony. Each applicant and licensee who conducts payday or title loan lending shall maintain an office in this state that is accessible to consumers. Persons subject to this chapter shall be responsible for the supervision of their employees, agents, and branch offices. Each initial and renewal license application shall be accompanied by a nonrefundable application fee of \$450 for the principal place of business of the licensee and the sum of \$450 for each branch of such licensee maintained in this state.

(b) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation~~ *individuals who are indirect owners*.

29 Investigation of Application; License Requirements. Amend RSA 399-A:4, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. A licensee shall submit written notification to the department of the addition or

deletion of a principal, and shall provide the name and address of each new principal no later than 30 days after such change. Each new principal shall authorize the commissioner to conduct a background check. The commissioner shall investigate management and ownership changes including, but not limited to, each principal's qualifications and business history. The licensee shall investigate and disclose any injunction or administrative order that has been issued against the principal and whether the principal has been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony, prior to the commissioner's approval of such change. *Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.*

30 New Paragraphs. Definitions. Amend RSA 399-D:2 by inserting after paragraph V-a the following new paragraphs:

V-b. "Direct owner" means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10 percent or more of the applicant or licensee.

V-c. "Indirect owner" means, with respect to direct owners and other indirect owners in a multilayered organization:

(a) In the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25 percent or more of that corporation.

(b) In the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25 percent or more of the partnership's capital.

(c) In the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25 percent or more of the trust.

(d) In the case of an owner that is a Limited Liability Company ("LLC"):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers.

(e) In the case of an indirect owner, the parent owners of 25 percent or more of their subsidiary.

31 New Paragraph. Definitions. Amend RSA 399-D:2 by inserting after paragraph VIII the following new paragraph:

IX. "Publicly traded" means a company whose securities are traded on a securities exchange system approved and supervised by the Securities and Exchange Commission, including but not limited to the NYSE, AMEX, BSE, and NASDAQ. The term also includes a public reporting company that is subject to Sections 12 or 15(d) of the Securities Exchange Act of 1934.

32 License Application; Requirements; Investigations. Amend the introductory paragraph of RSA 399-D:5, II to read as follows:

II. To be considered for licensing, each person, firm, or corporation shall file with the department one verified application on a form prescribed by the commissioner. At a minimum, the application shall be in writing, setting forth the primary business address of the applicant, *the applicant's tax identification number*, the address of its principal office and all branch offices located or to be located within the state, and a list of the principals *or indirect owners* and the name of any person occupying a similar status or performing similar functions. Each principal *and indirect owner shall provide his or her social security number and* shall authorize the commissioner to conduct a background check. The applicant shall submit any other information that the commissioner may require including, but not limited to, the applicant's form and place of organization, the applicant's proposed method of doing business, qualifications, and business history of the applicant and those persons listed in the application, and the applicant's financial condition and history. The applicant shall disclose if any injunction or administrative order has been issued against the applicant or any of its principals *or indirect owners* and whether the applicant or any of its principals *or indirect owners* have been convicted of a misdemeanor involving the lending industry or any aspect of the lending business or convicted of any felony. Each application shall designate the name and address of the manager or person in charge at each licensed location and shall contain other information required by rules adopted under this chapter. The applicant shall submit any other information that the commissioner may require. In addition:

33 License Application; Requirements; Investigations. Amend RSA 399-D:5, II(f) to read as follows:

(f) Unless the applicant is a publicly traded corporation, the department shall complete a background investigation and criminal history records check on the applicant's principals and any

person in a similar position or performing similar functions. If the applicant is a subsidiary, the department shall complete a background investigation and criminal history records check on ~~the principals of each equity owner of 10 percent or more of the applicant unless such equity owner is a publicly traded corporation~~ *individuals who are indirect owners.*

34 Licensee's Duties. Amend RSA 399-D:15, VII to read as follows:

VII. Persons licensed under this chapter are under a continuing obligation to update information on file with the commissioner. If any information filed with the commissioner becomes materially inaccurate, the licensee shall promptly submit to the commissioner an amendment to its application records that will correct the information on file with the commissioner. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that required the filing of the amendment. *Certain significant events as defined by rule shall be reported to the department in writing within 10 calendar days.*

35 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes certain changes relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

This bill was requested by the banking department.

HB 1188, relative to notice before entry into a condominium unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tara G. Reardon for Commerce: This bill provides condominium unit owners with the same right to prior notice before entry that is presently afforded under the landlord tenant law to renters. Additionally, it provides the condominium unit owners' association with the right to access after notice to enable them to exercise and discharge their responsibilities. Vote 16-0.

Amendment (0981h)

Amend RSA 356-B:41, I-a and I-b as inserted by section I of the bill by replacing them with the following:

I-a. No unit owners' association, its agents, or its employees shall willfully enter into the unit of a unit owner without providing prior notice to the owner, other than for emergency purposes.

I-b. No unit owner, tenant, or other person occupying a condominium unit shall willfully refuse the unit owners' association, its agents, or its employees access through a condominium unit as is necessary to enable them to exercise and discharge their respective powers and responsibilities at a reasonable time after notice which is adequate under the circumstances. But to the extent that damage is inflicted on the common areas or any unit through which access is taken, the unit owner causing the same, or the unit owners' association if it caused the same, shall be liable for the prompt repair thereof.

AMENDED ANALYSIS

This bill gives condominium unit owners the right to notice before the owners' association, its agents, or its employees may enter a unit other than for emergency purposes.

HB 1190, establishing a committee to study refunds of insurance premiums overcharged under SB 110. **INEXPEDIENT TO LEGISLATE.**

Rep. Marshall E. Quandt for Commerce: This bill establishes a committee to study refunds of insurance premiums overcharged under SB 110. The committee felt that this information can be obtained by SB 125, Chapter 225, Laws of 2005 oversight committee. Vote 18-0.

HB 1192, relative to property and casualty insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles L. Clark for Commerce: This bill is the result of a request by the insurance department to make certain clarifications, updates and technical changes relative to property and casualty insurance. The committee is in complete accord with the insurance department suggestions regarding updates needed to current statutes as a result of advancements in technology, new types of coverage, etc. Vote 18-0.

Amendment (0647h)

Amend the bill by deleting section 5 and renumbering the original sections 6-15 to read as 5-14, respectively.

Amend the bill by replacing all after section 13 with the following:

14 Insurance; Electronic Transmittal Added. Amend RSA 400-B:2, III to read as follows:

III. "Complaint" means [a] *any written or electronically transmitted* communication primarily expressing a grievance.

15 Insurance; Complaint Records. Amend RSA 400-B:7 to read as follows:

400-B:7 Complaint Records. The complaint records required to be maintained under RSA 417 shall include a complaint log or register, or grievance log or register for health insurers, in addition to the actual written complaints. The complaint log or register shall show clearly the total number of complaints for the current year plus the immediately preceding 5 years, the classification of each complaint by line of insurance and by complainant, the nature of each complaint, the insurer's disposition of each complaint, *the time it took to process each complaint*, and the complaint number assigned by the department, if applicable. If the insurer maintains the file in a computer format, the reference in the complaint log or register for locating the documentation shall be an identifier such as the policy number or other code. The codes shall be provided to the examiners at the time of an examination.

16 Insurance; Technical Correction. Amend RSA 417-B:3, II to read as follows:

II. Conviction of the named [~~insurer~~] *insured* of a crime having as one of its necessary elements an act increasing any hazard insured against.

17 Effective Date. This act shall take effect 60 days after its passage.

HB 1274, relative to certain disclosures to the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen T. DeStefano for Commerce: The original bill and the amendment asked to repeal RSA 125:15-a VIII relative to rulemaking for certain disclosures to the department of health and human services. The second section of the bill asked to repeal RSA 125:25-c relative to disclosure of certain ownership interests to the department of health and human services. The committee felt that disclosure was very important, so the amendment was a compromise between owners filing reports and making sure that the insured have the information on file about ownership of physicians in the companies to which they have been referred. Vote 16-1.

Amendment (1044h)

Amend the bill by replacing all after the enacting clause with the following:

I Disclosure to Respective Boards; Ownership Interest. RSA 125:25-c is repealed and reenacted to read as follows:

125:25-c Disclosure to the Licensing Authority.

I. Notwithstanding any other section of the law, any health care practitioner who has an ownership interest in an entity which provides diagnostic or therapeutic services shall disclose such interest to the appropriate licensing authority regardless of whether any referrals are provided to the health care practitioner's entity or any other entity. In the disclosure to the appropriate licensing authority, the health care practitioner shall list all diagnostic and therapeutic services provided by any entity in which the health care practitioner has an ownership interest. Disclosure of ownership, as well as the percentage of ownership interest in each entity or entities, shall be made upon application for and renewal of the health care practitioner's license, on the application and renewal form.

II. An entity which provides diagnostic and therapeutic services shall include services provided by an entity within a hospital, but which is not owned by the hospital.

III. This section shall not apply to in-office ancillary services.

IV. Failure to report such ownership interest may result in disciplinary action by the licensing authority.

2 Repeal. RSA 125:15-a, VIII, relative to rulemaking for certain disclosures, is repealed.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill requires a health care practitioner to report an ownership interest in certain health care facilities and businesses to their respective licensing boards instead of the department of health and human services.

HB 1276, relative to automobile insurance. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill would prohibit an insurer from charging or increasing a premium under an automobile policy for an adult living in the household of the poli-

cyholder, if the adult holds a valid title to an automobile and the policyholder requests that the adult not be included on the policy. This cannot be done as it would be in violation of the provisions of RSA 264:18 which spell out the required provisions of a motor vehicle liability policy issued in New Hampshire. Vote 17-0.

HB 1291, relative to automobile insurance coverage for drivers in the same household as the policyholder. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: This bill requires insurance companies to permit an automobile insurance policy holder to decline coverage for drivers in the same household. This cannot be done as it would be in violation of the provisions of RSA 264:18 which spell out the required provisions of a motor vehicle liability policy issued in New Hampshire. Vote 17-0.

HB 1327, requiring a vote by the tenants who are owners of manufactured housing park units prior to purchase of the manufactured housing park by the tenant or tenants' association. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: After a thorough review of the evidence presented, the committee felt that this bill would create a severe hardship for tenant associations to purchase manufactured housing parks by shortening the period for finalizing a purchase from 60 to 30 days, and requiring 51% of the parks' tenants to vote in favor of the acquisition prior to proceeding. The current rules are working well and we see no reason to change them at this time. Vote 15-2.

HB 1338, relative to medical malpractice insurance rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen B. Stepanek for Commerce: This bill would freeze malpractice rates until the final report of the committee to study medical malpractice insurance rates. This report is not due out until December 1, 2010. Although we appreciate the intent of the sponsors, freezing the malpractice rates for this long would effectively eliminate malpractice insurance in New Hampshire. Vote 18-0.

HB 1355, permitting the use of certain campers or recreational vehicles in manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald H. Flanders for Commerce: After hearing all testimony, it was determined that RSA 205-A:2 excludes campers or recreational vehicles within the definition of manufactured housing and therefore they are not eligible to rent space from a manufactured housing park. It also appeared to be primarily a local issue so the committee felt it could be better addressed through municipal rules and ordinances. Vote 14-4.

HB 1365, relative to public pooled risk management. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G. Reardon for Commerce: This bill would require all three boards of the New Hampshire Public Pooled Risk Management to be elected or appointed public officials, officer or employees of an entity that is a member of the pool. The committee amended this statute in 1997 to require that a majority of the board be elected or appointed public officials, officers, or employees. Two of the boards already consist of all elected or appointed officials and the third has a 10-member board with two non-elected or appointed members. A representative of the board stated that they like to have the ability to include a board member with professional expertise at times and this has never proven to be a problem. Noting that no issues have occurred with these non-elected or appointed members, the committee did not feel this legislation warranted. Vote 17-0.

HB 1447, requiring a New Hampshire bank to credit a customer's account within 24 hours of notification that a check is good. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G. Reardon for Commerce: The determination of the availability of funds is determined by federal law, Regulation CC. Any law enacted to vary that procedure would only apply to our state-chartered banks, that quite often make funds available sooner than the federal guidelines provide. Vote 18-0.

HB 1469-FN, requiring hospitals to make the price of certain common procedures available to the public. **INEXPEDIENT TO LEGISLATE.**

Rep. Marshall E. Quandt for Commerce: This bill requires hospitals to compile a list of charges for common services. This bill grants rulemaking authority to the commissioner of the Department of Health and Human Services. The majority of the committee, including the sponsor, agreed that the issues raised by this bill are expected to be covered by other legislation. Vote 17-1.

HB 1485, establishing a commission to study the feasibility of forming self-insurance groups for medical malpractice. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen B. Stepanek for Commerce: There is nothing that now prevents any group from being formed to provide self-insurance for medical malpractice. In fact, the New Hampshire Medical Society has looked at this issue twice and Southern New Hampshire Medical of Nashua also investigated self-insurance. In all three situations, it was found that the capital requirement to allow a medical malpractice self-insurance group to be formed was so large as to make it impractical. It was felt by the committee that this commission was not needed. Vote 15-3.

HB 1488, establishing a committee to study regulation of employers self-insured group health plans. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. Pelkey for Commerce: Self-insured group health plans fall under federal jurisdiction of Employee Retirement Income Security Act (ERISA) and therefore are not subject to mandates imposed by the state. Vote 15-2.

HB 1513, requiring legislative approval for changes to the purpose of a special corporation. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. Pelkey for Commerce: On September 20, 2005, SB 70, Chapter 282, Laws of 2005, relative to the powers of a special corporation, became law amending RSA 292:8-1 by adding paragraph II which permits the purpose of a special corporation to be changed by a majority vote of the corporation and the filing of a certified copy of the vote with the Secretary of State. This bill would basically nullify what was passed last session after only five months of existence. The Attorney General's office opposes this bill. Vote 17-0.

HB 1528, establishing a committee to study the adequacy of consumer protection laws in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Stella Scamman for Commerce: This bill would create another committee to study the adequacy of consumer protection laws in New Hampshire. The committee felt that this study committee was not necessary. These issues have all been addressed under separate legislation in the recent past. Vote 18-0.

HB 1533, relative to services provided by manufacturers and distributors of beer to beer retailers. **INEXPEDIENT TO LEGISLATE.**

Rep. David H. Kidder for Commerce: This bill would permit manufacturers and distributors of beer to provide carbon dioxide filters to beer retailers and would be an exception to RSA 179:11. It was decided that it was more appropriate to tackle this problem from the Liquor Commission end as opposed to the distributor/vendor end of the situation. Vote 18-0.

HB 1537, relative to the procedure for resolving disputes regarding construction defects between homeowners and contractors. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G. Reardon for Commerce: The committee made great effort last year to put in place a dispute resolution process to keep contractors and homeowners out of court. This bill was filed prior to the new procedure becoming effective on January 1, 2006. We have enhanced the powers of the Attorney General's Office, Consumer Protection Division to pursue and prosecute the criminals who are holding themselves out as contractors and defrauding consumers. We would like to wait and see how the new law works. Vote 18-0.

HB 1555, establishing a commission to investigate cost drivers in providing health care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stella Scamman for Commerce: The amendment to this bill adds a member from the Retail Merchants Association and creates a 20 member commission. The amendment also refers to federal and state reimbursement associated with cost shifting. The committee believes that passing this bill and investigating healthcare cost drivers is an important step to finding solutions. Vote 18-0.

Amendment (0905h)

Amend paragraph 1 of section 2 of the bill by inserting after subparagraph (m) the following new subparagraph:

(n) One member of the Retail Merchants Association of New Hampshire, appointed by such association.

Amend paragraph 1 of section 3 of the bill by replacing it with the following:

I. Cost shifting associated with federal and state reimbursements.

HB 1592-FN, making certain changes in the insurance laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce: This is a bill that was requested by the insurance department to clarify certain continuation of coverage proceedings in the group accident and health insurance provisions. It also requires insurance carriers to continue to provide benefits to covered members under a group insurance policy which has been cancelled for any reason for up to 39 weeks or until such member becomes eligible for benefits under another group, whichever comes first. Where coverage has ended as a result of nonpayment of premiums, the member electing continuation coverage shall not be liable for any accrued and unpaid premium that was the employer's responsibility under the policy, or any amount previously paid by the person for coverage under the policy that, due to the employer's actions, was not paid to the carrier. Vote 18-0.

Amendment (1048h)

Amend the bill by replacing section 5 with the following:

5 New Paragraphs; Continuation of Coverage; Termination of Coverage. Amend RSA 415:18 by inserting after paragraph XIV the following new paragraphs:

XV. In paragraphs XVI and XVII:

(a) "Carrier" means an entity that offers or provides a policy, contract, or certificate of insurance coverage in this state. "Carrier" shall include an insurer, a health maintenance organization, or any other entity providing a policy, contract, or certificate of insurance coverage subject to state insurance regulation.

(b) "Cancellation" means the circumstance when the employer/employee relationship ceases to exist.

(c) "Individual" means any person covered under a group health plan, including but not limited to, the covered employee, the spouse of the covered employee, whether surviving, dependent, former dependent, or legally separated; or the dependent child of the employee, and any other person including a child born or placed for adoption with the covered employee, who is covered under a group health plan through the employment relationship.

(d) "Health insurance" means all group hospital and medical expense policies subject to RSA 415, group health service plan contracts pursuant to RSA 420-A, and health maintenance organization policies and plans issued pursuant to RSA 420-B, and all other plans that are additionally subject to RSA 420-G, except for small employers of size one defined pursuant to RSA 420-G:2, XVI.

(e) "Entire group termination" means that circumstance when all health insurance coverage to the group ends.

XVI. Continuation of Coverage.

(a) Carriers shall provide continuation of coverage when an individual covered by a plan of group health insurance that provides medical, hospital, and/or surgical expense benefits, except short-term student insurance where the policyholder is the school, loses coverage under the plan, coverage shall be provided in accordance with the procedures described in this section.

(b) Continuation coverage shall be identical to the coverage provided to other similarly situated members of the group that are still covered by the plan. The policy shall not be changed, except that normal premium rate increases or decreases upon renewal affecting the group plan may also affect the continuation premium rate. The effective date of continuation coverage shall be the date the individual's coverage under the group plan ceased.

(c) Periods of coverage shall be as follows:

(1) Eighteen month period – When any individual loses coverage under a group health insurance plan for any reason except dismissal from employment for gross misconduct or carrier termination, coverage shall continue subject to this section for a period of 18 months, unless the individual is eligible for coverage under subparagraph (2), (3), (4), or (5).

(2) Thirty-nine week period (entire group insurance termination) – Whenever the entire group is terminated, coverage shall continue subject to this section for a period of 39 weeks. Where an individual has continuation coverage, coverage shall continue until it would have expired had the plan not been terminated or for 39 weeks, whichever occurs first.

(3) Twenty-nine month period (disability) – An individual who is determined to be disabled within the first 60 days of the date such individual loses coverage shall be entitled to 29 months of continuation coverage. Determination of disability shall be under Title II or XVI of the federal Social Security Act or any future Act that has the same purpose.

(4) Thirty-six month period – Subject to subparagraph (e), coverage shall continue subject to this section for a period of 36 months if any individual loses coverage under a group health insurance plan for one of the following reasons:

- (A) Death of a covered employee;
- (B) The divorce or the legal separation of the covered employee;
- (C) A substantial loss of coverage by retirees and dependents within one year of the employer filing for protection under the bankruptcy provisions of Title 11 of the United States Code; or
- (D) A dependent child ceasing to be a dependent child.

(5) Eligible for Medicare – When the surviving spouse, divorced spouse, or legally separated spouse is 55 years of age or older and loses coverage because of the death, divorce, or legal separation of the covered employee, coverage shall continue subject to this section until such time as the spouse becomes eligible for participation in another employer-based group plan or becomes eligible for Medicare.

(d) Premium Payments:

(1) Determination. When an individual's coverage has ended, the amount of the premium charged to the individual electing continuation coverage shall not exceed 102 percent of the group premium amount.

(2) Responsibilities:

(A) It shall be the responsibility of the employer to notify the carrier when an individual loses coverage under the employer's plan, and it shall be the responsibility of the carrier to notify the individual of the right to elect continuation coverage.

(B) It shall be the responsibility of the individual electing continuation coverage to make timely premium payments. Failure to make a timely remittance of the premium shall be grounds for cancellation.

(C) Where the premium is submitted to the carrier through the employer or plan administrator, it shall be the responsibility of the employer or plan administrator to promptly forward payments received from the individual to the carrier.

(3) Liabilities:

(A) If the employer or plan administrator responsible fails to forward the premium payment and the individual's continuation coverage is terminated as a result, the employer or plan administrator shall be liable for benefits to the same extent that the carrier would have been if coverage had not been terminated.

(B) Whenever a carrier fails to notify an individual that his or her coverage will not continue unless the individual so elects, the carrier shall be liable, in accordance with the terms of the policy, for claims accrued until such notice is made, except that any carrier that in good faith mailed a notice to the last known address of the individual shall not be held liable. Such carrier's liability shall in no way diminish the liability of the employer.

(4) Notice Requirements and Procedures.

(A) A carrier shall notify the employer or individual of the discontinuance or termination of a policy as follows:

(i) Notice of the right to continue coverage shall be set forth in each master policy and individual certificate of coverage.

(ii) When coverage for an individual will cease under the group policy, the carrier shall notify the individual of the individual's right to continue, the amount of the premium required to continue coverage, and the procedure for electing continuation coverage. The notice of continuation shall specify the election period that shall not be less than 31 days after the date of the notice and shall be mailed to the last known address of the individual provided by the employer or plan administrator.

(iii) The carrier shall specify in each notice of continuation whether premium payments are to be remitted to the employer, plan administrator, or directly to the carrier.

(iv) If the employer or plan administrator to which the premium payments have been remitted fails to forward the premium payment and the individual's continuation coverage is terminated as a result, the employer or plan administrator shall be liable for the benefits to the same extent that the carrier would have been if coverage had not been terminated.

(v) The carrier shall notify the individual of the right to continue coverage within 15 days of the date the coverage ceased. The additional period shall expire 31 days after the date of the notice.

(B) When the individual shall notify the carrier or the employer:

(i) An individual electing continuation coverage shall notify the carrier in writing with a copy of the notice provided to the employer or plan administrator when the election is made. Such election shall be made within 31 days of the date of notice.

(ii) Where the employee's spouse is also covered by the group plan, and there is a divorce or legal separation, the employee shall notify the employer of the divorce or separation within 30 days, and shall provide the employer and carrier with the employee's spouse's mailing address. In case of a divorce or legal separation, the carrier shall provide a separate notice of the right to continue to the divorced or separated spouse. The divorced or separated spouse may elect to continue coverage by notifying the carrier within 31 days of the date of the notice and remitting the premium payment.

(C) Election and waiver:

(i) Election by the individual shall be made within 31 days of the date of the notice of the right to continue, by written notice to the carrier and the employer. The required premium payment, as specified in the notice of the right to continue, shall be remitted as required in the notice with the written notice of election.

(ii) Where an individual declines the right to continue coverage, waiver shall be made by an affirmative means of declination, including but not limited to written declination of continuation coverage or electronic contact to the employer or plan administrator.

(iii) Where proper notice has been given, and no response is made within 31 days, coverage may be deemed waived if the carrier has in good faith made reasonable efforts to contact the eligible individual. However, no carrier may deem any coverage waived if a notice does not fully comply with this section.

(iv) Where an individual has attempted to notify the carrier, employer, or plan administrator of election, and where the written election has not included a premium payment, the carrier, employer, or administrator shall allow the individual to fully comply by paying the full amount of the unpaid premiums within 31 days.

(v) Where more than one person covered by the group health insurance plan will lose coverage as a result of the covered employee's termination from the group, each individual shall be provided with a notice and shall have the opportunity to elect or waive coverage. Where there is a choice among plans, each individual shall have the opportunity to choose a plan.

(e) End of continuation coverage. Nothing in this chapter shall require a carrier to continue coverage beyond:

(1) The first day of the month following the individual's eligibility for a group plan through a different employer;

(2) In the case of an individual that is eligible for Medicare, the date of the first Medicare open enrollment period following the date the individual became ineligible for continued participation under the group plan;

(3) In the case of a period of extended coverage for a person who has been determined to be disabled during the first 60 days of continuation coverage, the month that begins more than 30 days after the date of a final determination that the person is no longer disabled;

(4) The date on which continuation coverage ceases because the individual has failed to pay the premium. The individual shall be given a 30-day grace period before coverage is cancelled, and shall be provided with a notice within 15 days of the date of termination that the coverage will be cancelled if the premium is not paid; or

(5) The date on which the group plan terminates subject to the continuation rights set forth in RSA 415:26.

XVII. Termination of Coverage.

(a) Whenever any group hospital, surgical, medical insurance plan, or health maintenance organization coverage terminates for any reason, the benefits of such plan shall be available at the same group rate to the covered members of the group plan, for an extension period of 39 weeks, or until such member of the group plan becomes eligible for benefits under another group plan, whichever occurs first.

(b) Written notice of the right to continue such group coverage upon termination shall be given by the carrier in each master policy, certificate, and group policy. The carrier shall send the notice within 15 days of the termination of the policy to the policyholder and each certificate holder under the policy.

(c) The member electing continuation of coverage under this subparagraph shall provide the carrier written notice of election together with the required premium contribution within 31 days of the date of the notice. The group rate shall be paid by the member directly to the carrier. The premium rate shall be that required for the coverage being continued and shall not exceed the applicable group rate, but a reasonable administrative fee not to exceed 2 percent of the monthly premium may be charged to offset billing and payment costs.

(d) If group members become entitled to the 39-week extension period due to termination of the policy, the carrier shall:

(1) Notify such person or member of the option to elect continuation of coverage for the extension period of 39 weeks and the conditions applicable to such coverage within 15 days of the date the plan terminates.

(2) If the carrier fails to notify the members of the termination of the group plan within 15 days of the date of termination of the group coverage, the members shall not be liable for any premiums that have not been paid prior to the date the notice was sent. In no event shall a person or member entitled to coverage for the extension period of 39 weeks be responsible for premiums accrued and unpaid prior to the date of the termination or cancellation of the coverage.

(3) Where coverage has ended as a result of an employer's nonpayment of premiums, the member electing continuation coverage shall not be liable for any accrued and unpaid premium that was the employer's responsibility under the policy, or any amount previously paid by the person for coverage under the policy that due to the employer's actions was not paid to the carrier.

(e) If the carrier fails to comply with the applicable employee notification requirements, the carrier shall be liable for lost benefits payable under and according to the terms of the group policy or contract to the employee resulting from the termination of the employee's benefit plan. Such liability shall extend only for the period of non-compliance beginning on the date notification of the employee was required and ending 31 days after the date notice was mailed.

Amend the bill by inserting after section 11 the following and renumbering the original sections 12 and 13 to read as 15 and 16, respectively:

12 Individual Health Insurance Market; Eligibility. Amend RSA 404-G:5-c, V(c) to read as follows:

(c) The individual's premiums are paid for or reimbursed by the health care provider *or the individual's premiums are paid by any government sponsored program or government agency*, except if the person is ~~[an "eligible individual" as defined in section 2741(b) of the Public Health Service Act]~~ *eligible under RSA 404-G:5-e, I(d) or (e)*.

13 Individual Health Insurance Market; Reference Change. Amend RSA 404-G:5-f, II to read as follows:

II. The following provisions of title 37 shall apply to the pool to the extent applicable and not inconsistent with the express provisions of this chapter: RSA 415:5, 415:6, 415:6-a, 415:6-b, 415:6-c, 415:6-f, 415:6-g, 415:6-h, 415:7, 415:9—415:13, 415:22, 415:22-a, 415:22-b, 415:23, RSA 415-A, RSA 417, RSA 420-B:8, 420-B:8-b, 420-B:8-d, 420-B:8-e, 420-B:8-ee, 420-B:8-f, 420-B:8-ff, 420-B:8-g, 420-B:8-gg, 420-B:8-h, 420-B:8-i, 420-B:8-j, 420-B:8-k, 420-B:8-m, 420-B:11-12, RSA 420-C, RSA 420-E:4, RSA 420-G:7, ~~[420-G:8;]~~ 420-G: 11, RSA 420-H, RSA 420-I, and RSA ~~[420-J:3]~~ **420-J**. For the purposes of this chapter, the pool shall be deemed an insurer, pool coverage shall be deemed individual health insurance, and pool coverage contracts shall be deemed policies.

14 New Paragraph; Health Coverage; Enrollment. Amend RSA 420-G:8 by inserting after paragraph II the following new paragraph:

II-a. Notwithstanding the provisions of paragraph I-a and II, small employers who are self-employed individuals shall have 90 days from the date their business is first established to enroll in a plan. Health carriers shall make their plans available to such individuals for effective dates beginning on the first day of the month following enrollment.

Amend the bill by replacing section 16 with the following:

16 Effective Date. This act shall take effect January 1, 2007.

HB 1652-FN, relative to certain insurance claims. **OUGHT TO PASS WITH AMENDMENT.** Rep. Donald H. Flanders for Commerce: This bill clarifies when an insurer may impose a retroactive denial of a previously paid claim beyond 18 months and codifies the details in such a manner that it should eliminate the problems that have occurred in the past. It was fully supported by both the industry and the insurance department. Vote 18-0.

Amendment (1149h)

Amend the bill by replacing all after the enacting clause with the following:

1 Individual Health Care Insurance; Retroactive Denials. Amend RSA 415:6-i, II(b)(5) to read as follows:

(5) The claim payment is the subject of *an* adjustment with ~~[another]~~ *a different* insurer, administrator, or payor *and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;* or

2 Group Health Insurance; Retroactive Denials. Amend RSA 415:18-m, II(b)(5) to read as follows:

(5) The claim payment is the subject of *an* adjustment with ~~[another]~~ *a different* insurer, administrator, or payor *and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;* or

3 Health Service Corporations; Retroactive Denials. Amend RSA 420-A:17-e, II(b)(5) to read as follows:

(5) The claim payment is the subject of *an* adjustment with ~~[another]~~ *a different* insurer, administrator, or payor *and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;* or

4 Managed Care; Retroactive Denials. Amend RSA 420-J:8-b, II(b)(5) to read as follows:

(5) The claim payment is the subject of *an* adjustment with ~~[another]~~ *a different* insurer, administrator, or payor *and such adjustment is not affected by a contractual relationship, association, or affiliation involving claims payment, processing, or pricing;* or

5 Effective Date. This act shall take effect 90 days after its passage.

HB 1668, relative to providing bank account balance information. **INEXPEDIENT TO LEGISLATE.** Rep. Tara G. Reardon for Commerce: The intent of this bill was to prevent an unauthorized person from making a deposit into an account, learning the balance and then defrauding the customer. It appears only one bank prints balances on the deposit slip and they have never encountered this scenario. They testified it would be extremely expensive for them to change their software, which currently prints balances because 95% of their customers request it. Because this would only affect state-chartered banks, it could be an incentive for a bank to change to a federal charter. Additionally, a minimal deposit made, on camera at the bank, would be unlikely and most likely generate a "suspicious activity" report by the lender. Vote 18-0.

HB 1769, relative to insurance records required for market conduct purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. DeStefano for Commerce: This bill would interfere with existing contracts between insurance companies and their agents with respect to record keeping. The record keeping is a cost of doing business and should be left to the parties to agree upon. This bill goes far beyond its intended purpose of market conduct examination. Vote 15-3.

HB 298, relative to consolidating statutes relating to driving while intoxicated. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill is a 2nd committee referral, having already passed the house on the consent calendar. The bill simply places all of the existing DWI statutes under one title (XX1) making no changes to existing law. The committee amended the bill to assure that Fish and Game officers could still retain the ability to enforce portions of the DWI laws pertaining to OHRV's, snowmobiles, watercraft and boats that they currently have under existing statutes. Vote 18-0.

Amendment (0830h)

Amend the introductory paragraph of RSA 265-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to operate an OHRV:

Amend the bill by inserting after section 35 the following and renumbering the original sections 36-37 to read as 37-38, respectively:

36 Fish and Game; Executive Director and Conservation Officers; Enforcement Power. Amend RSA 206:26-b, I to read as follows:

I. The executive director and each conservation officer shall:

(a) Be ex officio constables throughout the state; ~~and~~

(b) Have general power to enforce all criminal laws of the state and to serve criminal processes and make arrests, under proper warrants, in all counties; *and*

(c) *Have general power to enforce any provision of RSA title XXI relative to the operation of OHRVs, snowmobiles, watercraft, or boats.*

HB 624-FN, relative to penalties in certain health and health-related professions. **OUGHT TO PASS.** Rep. John E. Tholl for Criminal Justice and Public Safety: Criminal Justice received this bill as a second committee to review the penalties. No one appeared at the public hearing to oppose the issue and the committee felt that making the penalty consistent with the other licensing statutes was the appropriate thing to do. Vote 15-2.

HB 1155, creating a violation for failure to pay a highway toll. **OUGHT TO PASS.** Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill came to us as a second committee to review the penalty. The bill itself deals with failure to pay a highway toll and the committee unanimously agreed that a violation is an appropriate penalty for this infraction. Vote 14-0.

HB 1180, relative to distributing sexual offender registry information. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The bill intends to allow local law enforcement agencies, at the discretion of the governing body, to distribute information about sex offenders living in the geographical area. The committee felt there are many flaws in this bill. The governing body is different in different parts of the state. The committee feels this might become an Article 28A issue. The subject is addressed in another bill currently in the committee. Vote 16-0.

HB 1209, relative to notification requirements for criminal offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background check and background investigation. It allows local law enforcement agencies to notify schools within its jurisdiction of the address of a registered criminal offender, provides limited liability to a school administrative unit, school district, or charter school for permitting certain volunteers to have contact with students. Vote 16-0.

Amendment (1229h)

Amend the bill by replacing all after the enacting clause with the following:

1 School Boards; School Employee and Volunteer Background Investigations. Amend RSA 189:13-a, VI-VII to read as follows:

VI. This section applies to any employee, selected applicant for employment, ~~or~~ designated volunteer ~~[with private businesses and agencies]~~, or volunteer ~~[organizations]~~ **organization** which ~~[contract]~~ **contracts** with a ~~[school administrative units, school districts, or charter schools]~~ **school administrative unit, school district, or charter school** to provide services, including but not limited to cafeteria workers, school bus drivers, custodial personnel, or any other service where the contractor or employees of the contractor provide services directly to students of the district or charter school. The cost for background investigations, including criminal history records checks, for employees or selected applicants for employment with such contractors shall be borne by the contractor.

VII. The school administrative unit, school district, or charter school shall not be required to complete a background investigation or a criminal history records check on volunteers, provided ~~[; however,]~~ that the governing body of a school administrative unit, school district, or charter school ~~[may]~~ **shall** adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation and a criminal history records check.

2 New Paragraph; School Boards; School Employee and Volunteer Background Investigations. Amend RSA 189:13-a by inserting after paragraph VII the following new paragraph:

VIII. A school administrative unit, school district, or charter school which has adopted a policy establishing procedures for certain volunteers shall be immune from civil or criminal liability, provided the school administrative unit, school district, or charter school has acted in accordance with its policy.

3 Registration of Criminal Offenders; Release of Certain Sexual Offenders into the Community. Amend RSA 651-B:3 to read as follows:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency *in the city or town* where the offender expects to reside. *The local law enforcement agency in the city or town where the offender expects to reside may notify all schools within its jurisdiction of the address at which the offender expects to reside. If such notification occurs, the local law enforcement agency shall notify all schools within its jurisdiction of any changes to the offender's information made pursuant to RSA 651-B:5.* The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that the offender has received such notice. The department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency. *The local law enforcement agency in the city or town where the offender expects to reside may notify all schools within its jurisdiction of the address at which the offender expects to reside.* The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system.

4 New Paragraph; Registration of Criminal Offenders; Change of Name or Alias or Address. Amend RSA 651-B:5 by inserting after paragraph III the following new paragraph:

IV. The local law enforcement agency in the city or town of the offender's new place of residence may notify all schools within its jurisdiction of a change in residence of a person required to be registered under this chapter. The local law enforcement agency in the city or town where the offender resides may notify all schools within its jurisdiction of any change in name or alias of a person required to be registered under this chapter.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires a school administrative unit, school district, or charter school to adopt a policy designating certain categories of volunteers as "designated volunteers" who may be required to undergo a background investigation and a criminal history records check.

II. Allows local law enforcement agencies to notify schools within its jurisdiction of the address of a registered criminal offender.

III. Provides limited liability to a school administrative unit, school district, or charter school for permitting certain volunteers to have direct contact with students.

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. **OUGHT TO PASS.**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill modifies RSA 263:93-a. Under current law, there is no immediate tool available to law enforcement when a commercial driver, or that driver's employer, operates a commercial vehicle following the issuance of an "out-of-service" order to either a vehicle or driver. This bill creates a misdemeanor crime for "jumping" such an order. This bill is a deterrent to both the driver, or the driver's employer to such violation of an order and results in safer commercial motor vehicle operation. The Department of Safety testified in favor of this bill. Vote 14-0.

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. **OUGHT TO PASS.**

Rep. Bob M. Fesh for Criminal Justice and Public Safety: This bill would permit establishment of state-wide rates which would be fair and reasonable relative to costs of personnel and rates for equipment use in hazardous waste incidents. This responds to the frustration expressed by municipalities and the Department of Environmental Services. Vote 12-0.

HB 1369, relative to the posting of signs restricting the bearing of arms. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: While the committee understands the intent of the bill, the members of the committee were unable to produce an amendment that would have been workable. Numerous attempts by the sponsor and others failed to provide an acceptable piece of legislation that satisfied the committee. Vote 16-0.

HB 1377, relative to certain mandatory minimum sentences. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William V. Knowles for Criminal Justice and Public Safety: This bill eliminates a mandatory one year sentence of imprisonment in addition to the sentence provided for the underlying felony for the felonious use of a firearm, first offense. In addition, it eliminates the three year minimum mandatory sentence for reckless conduct, a felony, an element of which is the possession, use or attempted use of a deadly weapon which is a firearm. This will give judges more sentencing discretion. We have seen instances where shooting a firearm in the air has resulted in three years mandatory jail time. Another element of the bill clarifies a violent crime under incest and endangering the welfare of a child. The violent crime will apply if the victim is under the age of 18 under the incest statute and under the age of 16 under the endangerment statute when the prosecution is for the solicitation to engage in child pornography, or sexual penetration. Vote 16-0.

Amendment (0657h)

Amend RSA 651:2, II-b as inserted by section 1 of the bill by replacing it with the following:

II-b. A person convicted of *a second or subsequent offense* for the felonious use of a firearm, as provided in RSA 650-A:1, shall, in addition to any punishment provided for the underlying felony, be given a ~~[minimum mandatory sentence of one year imprisonment for a first offense and a]~~ minimum mandatory sentence of 3 ~~[years²]~~ years imprisonment ~~[for any subsequent offense]~~. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Assault and Related Offenses; Reckless Conduct. Amend RSA 631:3 by inserting after paragraph II the following new paragraph:

III. A person convicted of a class B felony offense under this section shall not be subject to the provisions of RSA 651:2, II-g.

3 Sentences; Sentences and Limitations. Amend RSA 651:5, XIII(g) to read as follows:

(g) Incest under RSA 639:2, *III* or endangering the welfare of a child by solicitation under RSA 639:3, III; or

4 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill:

I. Provides that a person convicted of a second or subsequent offense for the felonious use of a firearm shall receive a minimum mandatory 3-year sentence in addition to any sentence for the underlying offense.

II. Excludes anyone convicted of felony reckless conduct from receiving the minimum mandatory sentence.

III. Defines incest committed against a person under the age of 18 as a violent crime for the purposes of annulment of a criminal record.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives. **OUGHT TO PASS WITH AMENDMENT.**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill, as amended, includes the following in the exception clause RSA 159:17 to the Carrying or Selling Weapons statute RSA 159:16: emergency medical technicians, firefighters, military personnel while in the course of their duties, as well as duly authorized military or civil organizations when parading, or the members thereof when at, or going to or from their customary places of assembly. The committee attempted to include knife dealers and collectors in this exception. However, neither group is defined anywhere by statute and the committee felt that including that category would lead to unintended consequences. Vote 15-1.

Amendment (1217h)

Amend RSA 159:17 as inserted by section 1 of the bill by replacing it with the following:

159:17 Exceptions. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, ~~to~~ watchmen while on duty, *to emergency medical technicians, firefighters, or military personnel while in the course of their duties, or to duly authorized military or civic organizations when parading, or to the members thereof when at, or going to or from, their customary places of assembly.*

HB 1389, relative to firearms in locked vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as introduced had few supporters. The committee was unable to devise a workable means of addressing the bill's intent. Vote 16-0.

HB 1390, relative to official oppression. **INEXPEDIENT TO LEGISLATE.**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill is an attempt to address violations of civil rights. As this area is already covered under federal law, the committee felt that it is not needed in state statute. Vote 15-1.

HB 1420-FN, prohibiting remote control and Internet hunting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: The committee received the bill to review the penalties. The committee amendment brings the penalty section in line with other penalties under the codes. Additionally, after a public hearing, a change was made to RSA 159:12 to allow firearms instructors to lawfully utilize live ammunition during hunter safety or other firearm instruction while instructing minors. This will be done with the permission of the parents or legal guardian. The Attorney General's office had advised Fish and Game that unless current laws were changed they would have to curtail the hunter safety programs. The committee acted to allow this essential activity to continue. Vote 17-0.

Amendment (1159h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16.

Amend RSA 207:8-a, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall offer for sale, take, or assist in the taking of wildlife by use of remote control or Internet hunting. Any person who violates this section shall be guilty of a class A misdemeanor if a natural person and guilty of a felony if any other person. In addition, the executive director may impose a civil penalty of not less than \$10,000 for each violation of this section, with the moneys received from imposition of such civil penalty to be deposited in the fish and game fund. Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 Pistols and Revolvers; Sale to Minors. Amend RSA 159:12 to read as follows:

159:12 Sale to Minors.

I. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor.

II. This section shall not apply to:

(a) Fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

(b) *Individuals instructing minors in the safe use of firearms during a supervised firearms training program, provided the minor's parent or legal guardian has granted the minor permission to participate in such program.*

(c) *Licensed hunters accompanying a minor while lawfully taking wildlife.*

(d) *Individuals supervising minors using firearms during a lawful shooting event or activity.*

3 Breaches of the Peace and Related Offenses; Furnishing Arms to Persons Under 16. Amend RSA 644:15 to read as follows:

644:15 Furnishing Arms to Persons Under 16.

I. Any person who shall sell, barter, hire, lend, or give to any person under the age of 16 years any cartridges or shotshells suitable for discharging in any rifle, pistol, revolver, or shotgun shall be guilty of a violation.

II. This section shall not apply to:

(a) Fathers, mothers or guardians of such children.

(b) *Individuals instructing such children in the safe use of firearms during a supervised firearms training program, provided the child's parent or legal guardian has granted the child permission to participate in such program.*

(c) *Licensed hunters accompanying such children while lawfully taking wildlife.*

(d) *Individuals supervising such children using firearms during a lawful shooting event or activity.*

AMENDED ANALYSIS

This bill prohibits remote control or Internet hunting and establishes criminal and civil penalties for violations.

The bill also sets forth exceptions to the prohibitions on sale of firearms to minors and the furnishing of arms to persons under 16 years of age.

HB 1480, amending the provisions relative to registration of criminal offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William V. Knowles for Criminal Justice and Public Safety: This legislation requires criminal offenders required to register because of a violation of RSA 632-A:2, aggravated felonious sexual assault, or RSA 632-A:3, felonious sexual assault, to be designated as offenders against children if the victim was under the age of 18 at the time of the offense. These names will be available to the public for reasons of safety. Vote 18-0.

Amendment (1055h)

Amend the bill by replacing section I with the following:

I Sexual Assault and Related Offenses; Felonious Sexual Assault. Amend RSA 632-A:3, II to read as follows:

II. Engages in sexual penetration with a person, other than his legal spouse, who is 13 years of age or older and under 16 years of age *where the age difference between the actor and the other person is 3 years or more*; or

Amend RSA 651-B:6, II as inserted by section 3 of the bill by replacing it with the following:

II. Any sexual offender required to register as a result of a violation or attempted violation of RSA 632-A:4, I(a) *or (b)*, or RSA 645:1, II, and any offender against children required to register as a result of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register.

Amend RSA 651-B:1, V(a) as inserted by section 4 of the bill by replacing it with the following:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, **RSA 632-A:2, RSA 632-A:3, RSA 633:1, RSA 633:2, RSA 633:3, RSA 639:2, or RSA 645:2**; or

AMENDED ANALYSIS

This bill:

I. Requires lifetime registration for persons convicted of aggravated felonious sexual assault.

II. Requires certain persons convicted of sexual assault to be registered for 10 years.

III. Amends the statute on felonious sexual assault involving sexual penetration with a person 13 years old but under 16 years old where the age difference between the actor and victim is 3 years or more.

IV. Repeals the statute requiring the department of safety to locate and serve notice on an offender who has moved into the state and has already registered with a local law enforcement agency.

HB 1482, relative to false information provided in connection with registering a motor vehicle belonging to a foreign national. **INEXPEDIENT TO LEGISLATE.**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: While the committee recognizes that the fraudulent application for motor vehicle license/registration is a real problem, it was pointed out that RSA 260:10 already requires that all applications filed with the New Hampshire Division of Motor Vehicles display the notice "This application is signed under penalty of un-sworn falsification pursuant to RSA 641:3" including those for foreign persons. Vote 17-0.

HB 1522, relative to extended authority for law enforcement assistance. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The authority of law enforcement officials to respond to requests for assistance from outside of their jurisdiction is covered by RSA's 48:11-a, 104:6, 105:9-a and 106:C. The committee believes that existing law is more than adequate to address current needs and that this bill would only undermine the intent of existing statutes. Vote 17-0.

HB 1620-FN, relative to hunting restrictions of certain convicted felons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elbert I. Bicknell for Criminal Justice and Public Safety: This bill came forward from the law enforcement arm of New Hampshire's Fish and Game Department where some of the enforcement officers came upon convicted felons hunting with Cross Bows, which are not defined as being a dangerous weapon under N.H. Statutes. Two of our courts in Carroll and Coos Counties ruled that the felon was hunting bear and not humans and was licensed to so do. They were found not guilty. Further, the amendment states it is an affirmative defense if a person convicted in another jurisdiction of a felony which would not have constituted a felony in the State of New Hampshire at that time of the offense. The bill prohibits certain felons from obtaining a hunting license, or signing an application for a license. Vote 17-0.

Amendment (0922h)

Amend RSA 214:1, II as inserted by section 1 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) It is an affirmative defense to a charge under this paragraph that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed.

Amend RSA 207:2-b as inserted by section 2 of the bill by inserting after paragraph II the following new paragraph:

III. It is an affirmative defense to a charge under this section that a felony of which a defendant has been convicted in another jurisdiction would not have constituted a felony in the state of New Hampshire at the time such felony was committed.

HB 1624-FN, relative to boat noise. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: This bill was referred to the committee to review the increase in fine from \$100 to \$250 according to RSA 270:41-A. Additionally, the amendment eliminates an increase in penalty which was not supported. Section 4 of the bill is eliminated by the amendment which would have added a misdemeanor for a natural person, or a felony for a business or corporation, for failure to pass a noise test, or for altering a marine engine that results in a failure to pass a noise test. Vote 17-0.

Amendment (1210h)

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill modifies the boat noise limits.

HB 1625, establishing penalties for court-appointed advocates who fail to file reports which are required by the court. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene P. Charron for Criminal Justice and Public Safety: The committee came to the conclusion that something needed to be done. We heard from the public, a judge and other interested and affected parties. Reports should be on time and when they are not, there should be a penalty. Included in the amendment is a charge for the cost of the parties to the action for the day of the hearing. People have taken time off from work, attorneys are present and in some cases children. When a report is not done on time and there is a continuance it becomes costly to all parties. Furthermore, we feel that it is imperative that the Guardian Ad Litem Board continue with the completion of the rules and regulations as soon as possible, so that Guardians Ad Litem come under one board. Vote 18-0.

Amendment (1004h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing penalties for guardians ad litem who fail to file reports which are required by the court.

Amend the bill by replacing section 1 with the following:

I New Section; Guardians Ad Litem; Failure to File Reports. Amend RSA 490 by inserting after section 490:26-f the following new section:

490:26-g Guardians Ad Litem; Failure to File Reports Required by the Court. A guardian ad litem who fails to file a report required by any court by the date the report is due shall be subject to a fine, established by supreme court rule, of not less than \$100 and not more than the amount of court costs of the parties to the action for the day of the hearing. The court clerk shall report a guardian ad litem who fails to file a report by the date the report is due to the guardian ad litem board. The court clerk and the guardian ad litem board shall make such report available to the public.

AMENDED ANALYSIS

This bill establishes penalties for guardians ad litem who fail to file reports which are required by the court.

HB 1660-FN, regulating identity theft. OUGHT TO PASS.

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill requires any persons who own or license computerized data that includes personal information to notify affected individuals of any security breach of such system as soon as they become aware of the breach. It sets forth the manner in which notification will be given. The penalty listed is consistent with similar corporate violations. Vote 16-0.

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine. OUGHT TO PASS WITH AMENDMENT.

Rep. John E. Tholl, Jr. for Criminal Justice and Public Safety: The amendment replaces the bill. The committee strongly believes that methamphetamine use and especially the production of methamphetamine (labs) is a serious danger to the citizens of New Hampshire. Of the 18 labs discovered in New England during 2005, twelve of the labs were in New Hampshire. The production of methamphetamine exposes New Hampshire residents to the dangers of explosion and contamination which can and often does lead to serious long-lasting injuries or death. For every one pound of "meth" produced there is 5 to 7 pounds of toxic waste produced which is often disposed of without regard for others. The bill provides for appropriate penalties for manufacture/possession of methamphetamine. Vote 17-0.

Amendment (1123h)

Amend the bill by replacing all after the enacting clause with the following:

I New Chapter; Methamphetamine-Related Offenses. Amend RSA by inserting after chapter 318-C the following new chapter:

CHAPTER 318-D**METHAMPHETAMINE-RELATED OFFENSES**

318-D:1 Definitions. In this chapter:

I. In this section:

1. "Clandestine lab site" means any structure or conveyance or location occupied or affected by conditions or chemicals typically associated with the manufacturing of methamphetamine.

II. "Emergency response" includes, but is not limited to, removing and collecting evidence, securing the site, removal, remediation, and hazardous chemical assessment or inspection of the site where the relevant offense or offenses took place, regardless of whether these actions are performed by a public entity, a private contractor paid by a public entity, or the property owner.

III. "Remediation" means proper cleanup, treatment, or containment of hazardous substances or methamphetamine at or in a clandestine lab site, and may include demolition or disposal of structures or other property.

IV. "Removal" means the removal from the clandestine lab site of precursor or waste chemicals, chemical containers, or equipment associated with the manufacture, packaging, or storage of illegal drugs.

318-D:2 Manufacture of Methamphetamine.

I. It shall be unlawful for any person to knowingly manufacture or attempt to manufacture methamphetamine. A person is guilty of an attempt to manufacture methamphetamine if the person:

(a) With the purpose that the crime of manufacturing methamphetamine be committed, the person engages in any conduct that, under the circumstances as the person believes them to be, is an act constituting a substantial step toward the commission of the crime; or

(b) Possesses one or more of the following substances or their salts or isomers, with the intent to manufacture methamphetamine:

- (1) Acetic anhydride.
- (2) Acetone.
- (3) Ammonium nitrate.
- (4) Anhydrous ammonia.
- (5) Benzaldehyde.
- (6) Benzyl chloride.
- (7) Benzyl cyanide.
- (8) Benzyl methyl ketone.
- (9) Chlorophedrine.
- (10) Chloropseudoephedrine.
- (11) Cyclohexane.
- (12) Ephedrine.
- (13) Ether.
- (14) Ethylamine.
- (15) Hydriodic acid.
- (16) Hydriotic acid.
- (17) Hydrochloric acid.
- (18) Hypophosphorus acid.
- (19) Iodine.
- (20) Lithium metal.
- (21) Mercuric chloride.
- (22) Methyl isobutyl ketone.
- (23) Methylamine.
- (24) Nitroethane.
- (25) Organic solvents.
- (26) Phenylacetone.
- (27) Phenyl-2-propanone.
- (28) Phenylacetic acid.
- (29) Pseudoephedrine.
- (30) Red phosphorus.
- (31) Sodium hydroxide.
- (32) Sodium hypophosphite.
- (33) Sodium metal.
- (34) Sodium/potassium cyanide.
- (35) Sulfuric acid.
- (36) Tetrachloroethylene.
- (37) Thieryl chloride.
- (38) Toluene.
- (39) White phosphorus.
- (40) Yellow phosphorus.

II. Notwithstanding the provisions of RSA 318-B:26, I, a person convicted under this section may be sentenced to imprisonment for not more than 30 years, a fine of not more than \$500,000, or both. A person convicted under this section who has one or more prior offenses as defined in RSA 318-B:27, shall be sentenced to imprisonment for not less than 5 years and not more than life imprisonment, a fine of not more than \$500,000, or both.

III. A court may require a person convicted of manufacturing or attempting to manufacture methamphetamine, where the response to the crime involved an emergency response, to pay restitution to all public entities that participated in the response. The restitution ordered shall cover the reasonable costs of the public entities' participation in the response.

IV. In addition to the restitution authorized in paragraph III, a court may require a person convicted of manufacturing or attempting to manufacture methamphetamine to pay restitution to a property owner who incurred removal or remediation costs as a result of the crime.

318-D:3 Injury Resulting From the Manufacture of Methamphetamine.

I. A person shall be guilty of an offense if that person recklessly causes serious bodily injury to a law enforcement officer, firefighter, emergency medical technician, ambulance operator, ambulance attendant, or social worker, acting in his or her official duties, as a result of the hazards posed by the person's conduct in manufacturing or attempting to manufacture methamphetamine. For purposes of this section, a person who takes any substantial step towards the manufacture of methamphetamine acts recklessly.

II. A person convicted of an offense under this section may be sentenced to imprisonment for not more than 20 years, or a fine of not more than \$300,000 or both.

318-D:4 Transfer of Real Estate in Which Methamphetamine Has Been Produced. Before signing an agreement to sell or transfer real property, the seller or transferor shall disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has occurred on the property. If methamphetamine production has occurred on the property, the disclosure shall include a statement to the buyer or transferee informing the buyer or transferee.

318-D:5 Anhydrous Ammonia; Prohibited Conduct.

I. In this section, "tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

II. No person shall:

- (a) Steal or unlawfully take or carry away any amount of anhydrous ammonia.
- (b) Purchase, possess, transfer, or distribute any amount of anhydrous ammonia, knowing, or having reason to know, that it will be used to unlawfully manufacture a controlled substance.
- (c) Place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia.
- (d) Transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia.
- (e) Use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container.
- (f) Tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

III. The department of safety shall adopt rules, pursuant to RSA 541-A, relative to prohibited conduct under this section.

IV. Except as provided in paragraph V, a person who tampers with anhydrous ammonia containers or equipment under this section shall have no cause of action for damages arising out of the tampering against:

- (a) The owner or lawful custodian of the container or equipment;
- (b) A person responsible for the installation or maintenance of the container or equipment; or
- (c) A person lawfully selling or offering for sale the anhydrous ammonia.

V. Paragraph IV shall not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

VI. A person who knowingly violates paragraph II may be sentenced to imprisonment for not more than 5 years or a fine of not more than \$50,000, or both.

2 New Subparagraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(a) by inserting after subparagraph (3) the following new subparagraph:

(4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including adulterants or dilutants.

3 Controlled Drug Act; Prior Offenses. Amend RSA 318-B:27 to read as follows:

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter *or RSA 318-D*, who has previously been convicted of a violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense.

4 Effective Date. This act shall take effect January 1, 2007.

HB 1674-FN, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karl I. Gilbert for Criminal Justice and Public Safety: This bill requires emergency care providers to report any relevant information on certain sexual assault crimes to law enforcement officials. The bill also provides that an emergency care provider who has shown due diligence shall not be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse. Vote 16-0.

Amendment (1124h)

Amend RSA 631:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV.(a) Except as provided in paragraph II, a person is guilty of a misdemeanor if, having knowingly examined or treated a person under the age of 18 years, where the situation indicates that an offense under RSA 632-A:2 or RSA 632-A:3 may exist, he or she fails to immediately notify a law enforcement official of any relevant information he or she possesses concerning the suspected offense, including the name, address, parents' names, suspected perpetrator, if known, and the nature of the injuries.

(b) No emergency care provider who has shown due diligence shall be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse.

AMENDED ANALYSIS

This bill requires emergency care providers to report any relevant information on certain sexual assault crimes to law enforcement officials. The bill also provides that an emergency care provider who has shown due diligence shall not be held liable for failure to suspect abuse, or for reporting to law enforcement officials in good faith, without malice, any suspected abuse.

HB 1706-FN, requiring certain persons to have Transportation Security Administration training and certification to provide airport security support in emergency situations. **INEXPEDIENT TO LEGISLATE.**

Rep. George D. Winchell for Criminal Justice and Public Safety: This bill would require that at least 100 persons who are National Guard members or state, or county or local law enforcement officers, be trained and certified by the Transportation Security Administration to provide airport security support in emergency situations. The fiscal note attached to the bill states that it is impossible to estimate the fiscal impact since the breakdown of personnel among governments, the cost of training each person, or what government or governments would absorb the cost is unknown. The High Sheriff of Rockingham County and the administration at the Manchester Airport have expressed their opposition to this bill. Vote 16-0.

HB 1745-FN, relative to methamphetamine-related crimes involving children and incapacitated adults. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: As amended, this bill provides for laws that directly impact those persons who knowingly engage in conduct involving methamphetamine labs or the illicit production of methamphetamine in such locations where a child or incapacitated adult may come into contact with the drug production, or its residue. It further provides that the Department of Health and Human Services shall be responsible for the care, shelter and medical treatment screening of the children found in or near a lab, or that may have been exposed to the toxic chemicals or residue. Vote 18-0.

Amendment (1083h)

Amend RSA 639-A:4 as inserted by section 1 of the bill by replacing it with the following:

639-A:4 Protective Custody for Health Screening; Reports Required.

I. A peace officer shall, pursuant to RSA 169-C:6, take any child present in an area where any of the activities described in RSA 639-A:2 are taking place into protective custody. Upon taking a child into protective custody, the peace officer shall follow the procedures outlined in RSA 169-C:6 and shall report the matter to the department of health and human services as a suspected incident of abuse or neglect under RSA 169-C:29. The department shall investigate the report in accordance with RSA 169-C:34 and shall, as part of its investigation, screen the child for possible health concerns related to exposure to methamphetamine.

II. If a peace officer does not take a child into protective custody under this section, but has reason to believe that the child may have been exposed to methamphetamine, the peace officer shall report the matter to the department of health and human services as a suspected incident of abuse or neglect under RSA 169-C:29. The department shall investigate the report in accordance with RSA 169-C:34 and may, as part of its investigation, screen the child for possible health concerns related to exposure to methamphetamine.

HB 1749-FN, relative to access to motor vehicle records by certain defense contractors. **OUGHT TO PASS.**

Rep. Jordan G. Ulery for Criminal Justice and Public Safety: This bill alters RSA 260:14, Records and Certification, to allow NH contractors with certain Department of Defense contracts to obtain limited information from motor vehicle records under a waiver from the Commissioner of Safety which can be granted for a period of up to one year. This bill addresses concerns of national security. Vote 15-2.

HB 1113, adding a definition of "public academy" to New Hampshire law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David W. Hess for Education: The committee unanimously recommends that this bill be passed as amended. It contains a useful definition of a "public academy" and the amendment ensures that this definition will have no bearing on whether or not public academies and their employees are eligible to participate in the New Hampshire Retirement System. Vote 15-0.

Amendment (1142h)

Amend the title of the bill by replacing it with the following:

AN ACT adding a definition of "public academy" to the definition of "high school."

Amend the bill by replacing all after the enacting clause with the following:

1 School Districts; Definition of High School. Amend RSA 194:23 to read as follows:
194:23 Definition of High School.

I. The term "high school" shall mean a public school or public academy comprising a span of grades beginning with the next grade following an approved elementary, middle or junior high school as defined by RSA 189:25 and ending with grade 12. Such a school shall:

[H:] (a) Offer those subjects prescribed by statute, including instruction in history, government, and constitutions of the United States and New Hampshire and of the organization and operation of New Hampshire municipal, county, and state government;

[H:] (b) Provide such other subjects as the school district maintaining such school shall determine by its school board or by vote of the district; and

[H:] (c) Comply with standards prescribed by the state board of education which shall be uniform in their application to all schools.

II. In this section, "public academy" means an independent school which contracts with one or more school districts to provide education services to such districts in compliance with RSA 194:23. All contracts between a public academy and a school district shall be subject to approval by the state board of education. In this section, "independent school" means a school which is governed by a board of trustees or other officials who are not publicly elected. An independent school shall not include a charter school established under RSA 194-B.

III. The enactment of paragraph II shall not affect a determination of the New Hampshire retirement system board of trustees under RSA 100-A regarding the eligibility of an employer or its employees to participate in the New Hampshire retirement system.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds a definition of "public academy" to the definition of "high school."

HB 1136, establishing a commission to study the care needs of medically fragile students in the school system. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Education: The committee voted unanimously to kill this bill after the sponsors advised that the bill was unnecessary. Vote 15-0.

HB 1159, relative to procedures for certain court ordered out-of-district placements. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy F. Stiles for Education: The committee recognized the value of the requirement for courts to consider school district information from special education teachers and specialists prior to out of district placement. HB 1159 will be considered in the Special Education Ad Hoc Committee review of all special education laws where we can also discuss the inclusion of the IEP which includes parental involvement. Vote 15-0.

HB 1170, requiring state education aid to be used exclusively for public education. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen R. L'Heureux for Education: By a unanimous vote the committee believes current law is appropriate. We found the following as problematic: aside from an error by government, no additional money can be sent to a school district. The Dept. of Revenue Administration (DRA) reviews warrants and minutes to assure approvals are legal and DRA reduces appropriations for any illegal expenditure. Further, education aid is paid directly to the school district and not to the municipality. Vote 15-0.

HB 1532, revising the special education statutes. **REFER FOR INTERIM STUDY.**

Rep. Clifford A. Newton for Education: This bill, while well intended, was originally brought forward as a housekeeping bill. It was soon realized that there were additional concerns with the bill and an amendment was then offered. The amendment, while clarifying some concerns of the committee, brought up even more concerns. The bill was then referred to interim study so that the appropriate time and energy could be given to the issue of revising the special education statutes that this deserves. Vote 15-0.

HB 1640-FN-L, requiring school boards to disclose the financial costs of contracts to the voters. **INEXPEDIENT TO LEGISLATE.**

Rep. David W. Hess for Education: This bill would impose additional obligations and possibly additional costs on local school districts in requiring them to inform the legislative body of the district; i.e. the public, about contracts of any value over which the legislative body has no power or authority. In addition, it has potential Article 28-A problems as an unfunded mandate. Vote 14-0.

HB 1172-FN, relative to registration of political committees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claudia A. Chase for Election Law: This bill strengthens existing law pertaining to the registration of political committees by requiring that such a committee file an amendment to its registration reporting any change of officers or purpose. Vote 12-0.

Amendment (1136h)

Amend the bill by replacing section 1 with the following:

1 Registration of Political Committees. Amend RSA 664:3, 1 to read as follows:

1. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state not later than 24 hours after receiving any contribution in excess of \$500 or before making any expenditure in excess of \$500, *but in no event later than 14 days after the formation of the committee.* The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the election fund established pursuant to RSA 5:6-d; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson [;] and treasurer or agent, and *the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.*

HB 1217, requiring the secretary of state to publish certain information on campaign contributions. **OUGHT TO PASS.**

Rep. Richard B. Drisko for Election Law: The committee feels that this bill has merit. This is or is about to become the practice of the Secretary of State. Information is already being published by way of the internet. Because the technology already exists, and Help America Vote Act (H.A.V.A.) dollars are already in place to federally fund this venture, it seems that it is the right time to fully implement this information technology which will enable the Secretary of State to identify campaign contributions and contributors online. Vote 15-0.

HB 1219, prohibiting the use of public funds to advocate for the success or defeat of a candidate or ballot question. **REFER FOR INTERIM STUDY.**

Rep. Claudia A. Chase for Election Law: Representatives of such entities as the New Hampshire Municipal Association, government services and town administrations were concerned that activities they perform in the service of providing requested information would be construed as electioneering. Representatives of the judicial branch were concerned that their practice of advocating for ballot questions, which they routinely do, would be made illegal. In the service of such concern, it is necessary to fully explore the consequences and wording of this bill. Vote 15-1.

HB 1237-FN-L, requiring matching expenditures when public money is paid for purposes of electioneering. **REFER FOR INTERIM STUDY.**

Rep. Jane A. Clemons for Election Law: The committee has agreed to study a number of bills regarding public money, campaigns, electioneering and will address these issues in the fall in order to make an appropriate recommendation. Vote 16-0.

HB 1312, relative to the definition of gift as it applies to elected officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles F. Weed for Election Law: This bill was filed to clarify the definition of a gift relative to the prohibition of cash gifts passed in the spring of 2005. The committee now believes that this is unnecessary because of the passage of SB 206 which does a thorough job of defining gifts. Vote 15-1.

HB 1421-FN, relative to campaign contributions and expenditures. **REFER FOR INTERIM STUDY.**

Rep. James R. Splaine for Election Law: This legislation would establish a fund to provide campaign financing for eligible candidates for governor, executive councilor and state senator. Candidates would qualify for that financing by collecting a required number of small contributions and by complying with other provisions of the state's financing laws. The candidate would then use money received from the fund instead of so many private contributions to finance his or her campaign. The committee believes that the concept and purpose of this bill are positive and deserve further review and study. Vote 13-3.

HB 1544, establishing a committee to study the propriety of a university of New Hampshire employee working in and being paid by the governor's office. **INEXPEDIENT TO LEGISLATE.**

Rep. James M. Carew for Election Law: The committee recommends this bill be inexpedient to legislate as the content of this bill is incorporated into SB 206. The sponsor has agreed with the decision of this committee. Vote 16-0.

HB 1547, clarifying what constitutes physical presence for purposes of establishing domicile under the election laws. **REFER FOR INTERIM STUDY.**

Rep. Jane A. Clemons for Election Law: This bill was put in interim study because the committee feels we need time to look closely at what constitutes "physical presence" and domicile. The committee agrees we need to be careful as not to disenfranchise legitimate voters and further study is appropriate. Vote 15-1.

HB 1553, relative to electioneering. **REFER FOR INTERIM STUDY.**

Rep. William L. O'Brien for Election Law: This bill brought before the committee the important issues of the conduct of elections at and near polling stations and electioneering by public officials. It quickly became apparent that each component of the bill introduced a host of competing public safety and freedom of speech issues, as well as a need for substantial public input on current voting practices, concerns and suggestions for improvement. No one aspect of the bill would permit legislative remedy now, without greater consideration and study, and that

any attempt to do so would surely result in unintended and adverse consequence. This concern was shared by each member of the committee who considered the bill in unanimously voting to recommend the bill be referred to interim study. Vote 15-0.

HB 1613-FN-L, relative to polling place arrangement and accessibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for Election Law: This legislation was requested by the offices of the Secretary of State and the Attorney General to bring our RSA's into full compliance with the Help America Vote Act and the Americans with Disabilities Act of 1990. The original bill specified that the Secretary of State shall provide one disabled voter accessible voting booth to each municipality. The amendment clarified that the voting booth would be provided to each polling place to be in compliance with the subject laws. Vote 15-1.

Amendment (0878h)

Amend the bill by replacing section 3 with the following:

3 Accessible Voting Booths and Voting Screens. Prior to the effective date of section one of this act, the secretary of state shall provide to each polling place one accessible voting booth that satisfies the requirements of RSA 658:9, III and 2 voting screens that satisfy the requirements of RSA 658:9, IV.

HB 1635-FN-L, relative to direct recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph G. Boehm for Election Law: We may all feel at sometime that a recall maybe necessary, but this opens up elected public officials to abuse by a minority of voters. This bill calls for 15% of voters to sign a petition and then 30% of voters to vote in a special recall election. This would cause additional cost to municipalities. Vote 15-0.

HB 1394, relative to determination of value of property in current use. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald R. Philbrick for Environment and Agriculture: Current use value is determined by the income producing value of the property solely for growing forest or agricultural crops and not its real estate market value. The amendment defines current use value to further clarify RSA 79-A. Vote 18-0.

Amendment (1059h)

Amend RSA 79-A:2, V as inserted by section 1 of the bill by replacing it with the following:

V. "Current use value" means the assessed valuation per acre of open space land based upon the income-producing capability of the land in its current use *solely for growing forest or agricultural crops*, and not its real estate market value. This valuation shall be determined by the assessor in accordance with the range of current use values established by the board and in accordance with the class, type, grade and location of land.

AMENDED ANALYSIS

This bill provides that the value of property in current use shall be based on the income-producing capability of the land solely for growing forest or agricultural crops.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. David Knox for Environment and Agriculture: This bill seeks to amend RSA 147-A:9 and RSA 147-B:10 to remove strict liability to municipalities in transporting locally collected household hazardous waste to regional hazardous waste collection centers. The New Hampshire Department of Environmental Services accepts the responsibility of any inadvertent spillage in this transportation and thus eliminates a concern municipalities have had in sponsoring local hazardous waste collection events. This would thus help eliminate the problem of mixing hazardous waste with municipal solid waste at local disposal facilities. No one testified against this bill and all individuals and groups representing municipalities in New Hampshire that spoke to the committee were supportive of this change. Vote 13-1.

Amendment (1065h)

Amend the bill by replacing sections 1-2 with the following:

I New Paragraph; Exemptions Added. Amend RSA 147-A:9 by inserting after paragraph I the following new paragraph:

I-a. Strict liability under paragraph I and cost recovery under paragraph II shall not extend to government entities, including their employees, while lawfully transporting locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers

or in-state or out-of-state disposal facilities. In the event of a release during transportation, the department of environmental services shall be liable for containment of household hazardous wastes, removal of the household hazardous wastes, necessary cleanup and restoration of the affected site and the surrounding environment, and any required evaluation, assessment, and monitoring associated with the release.

2 New Paragraph; Exemptions Added. Amend RSA 147-B:10 by inserting after paragraph I the following new paragraph:

I-a. Strict liability under paragraph I and cost recovery under paragraph II shall not extend to government entities, including their employees, while lawfully transporting locally collected household hazardous waste over the byways of the state, to regional hazardous waste collection centers or in-state or out-of-state disposal facilities.

AMENDED ANALYSIS

This bill creates municipal exemptions for hazardous waste cleanup liability.

HB 1438-FN, relative to mandatory recycling of solid waste. **INEXPEDIENT TO LEGISLATE.** Rep. David E. Essex for Environment and Agriculture: This bill would have prohibited the disposal of construction and demolition (C & D) waste except through an appropriate recycling program. The committee heard testimony that such a requirement might add an onerous burden to businesses and municipalities, and conflict with other pending legislation and studies, thus making this bill premature. Vote 14-0.

HB 1455-FN-A, relative to the recovery, reuse, and recycling of used electronic devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne S. Butcher for Environment and Agriculture: Hundreds of thousands of computers, monitors and televisions will become obsolete in New Hampshire this year. They should not go into our landfills or incinerators, both because of sheer volume and because they contain toxics such as lead (several pounds in each CRT), cadmium, and mercury. HB 1455 was introduced as part of a ten-state Council of State Governments effort to develop coordinated legislation to deal with consumer e-waste, requiring manufacturers to assume responsibility for the cost of recycling. Since the CSG discussions are not yet completed, the Environment and Agriculture Committee amended HB 1455 simply to ban disposal of computer monitors and televisions in landfills and incinerators. New Hampshire businesses accept and process e-waste. Until more comprehensive regional or national legislation can be developed, consumers will have to continue to pay to recycle our old computers and TVs, or continue to store them in our basements or garages. Vote 13-0.

Amendment (0868h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the disposal of video display devices.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions. Amend RSA 149-M:4 by inserting after paragraph XXVII the following new paragraph:

XVIII. "Video display device" means a visual display component of a television or a computer, whether separate or integrated with a computer central processing unit/box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than 4 inches when measured diagonally, and its case, interior wires, and circuitry.

2 New Paragraph; Refuse Reduction. Amend RSA 149-M:27 by inserting after paragraph III the following new paragraph:

IV.(a) No person shall dispose of any video display device in any solid waste landfill or incinerator in New Hampshire after July 1, 2007.

(b) Owners or operators of such facilities shall not be found to have knowingly disposed of a video display device if the facility has implemented mechanisms to avoid such disposal which shall include, at a minimum, posting of signs at the facility or providing written notification to, or agreements with, the facility's customers concerning the disposal prohibition.

3 Report by Department. The department of environmental services shall monitor and participate in any regional initiatives regarding the financing and disposal of electronic wastes and shall report the results of such efforts, to date, to the house environment and agriculture committee and the senate environment and wildlife committee by November 1, 2006.

4 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill defines video display devices and prohibits disposing of video display devices in solid waste landfills or incinerators after July 1, 2007. This bill also requires the department of environmental services to monitor the disposal of electronic waste.

HB 1479, relative to debris and solid waste removal at manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter B. Schmidt for Environment and Agriculture: The committee recognized an existing problem at a particular manufactured housing park, which gave rise to this bill. But, the committee believes a) that existing statutes provide adequate authority to address the situation, and b) that, even if passed, the bill would offer no greater guarantee of re-mediating the aforementioned problem and/or avoiding court action than existing statutes. Vote 16-1.

HB 1571, relative to reports of legislative standing committees on environmental legislation and relative to the adoption of rules concerning environmental regulation. **INEXPEDIENT TO LEGISLATE.** Rep. Betty B. Hall for Environment and Agriculture: The subject matter of this bill, requiring standing committees of the House and Senate review environmental matters to include a technical and scientific basis for regulation, will be considered with another bill on developing environmental policy being studied by the committee. Vote 13-0.

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D. O'Connell for Environment and Agriculture: This bill shifts the responsibility for the land use change tax involving a right of way to the party responsible for causing the change. Today, the party who caused the change is not responsible for paying the tax. This bill also mandates that the land beneath the right of way remains in current use. Vote 12-1.

Amendment (1220h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Current Use; Land Use Change Tax; Right-of-way Road Construction. Amend RSA 79-A:7, VI by inserting after subparagraph (d) the following new subparagraph:

(e) A road is constructed on a existing right-of-way on current use land solely for the purpose of access to an adjoining lot where the owner of the land in current use does no other activity changing the use of the land under this section and does not share any ownership interest in the adjoining lot. Provided, however, and notwithstanding any other provision of law to the contrary, that if such road construction on a existing right-of-way would constitute a change in use if done by the owner of the land in current use, then the owner of such adjoining property utilizing the road for access shall be responsible for and shall be assessed the land use change tax penalty as provided for in this section. Enforcement and collection proceedings shall be applied to the party responsible for the payment of the penalty under this subparagraph.

2 Land Use Change Tax; Lien. Amend RSA 79-A:7, II to read as follows:

II. The land use change tax shall be due and payable by the owner, *or by the responsible party pursuant to RSA 79-A:7, VI(e)*, at the time of the change in use to the town or city in which the property is located. If the property is located in an unincorporated town or unorganized place, the tax shall be due and payable by the owner *or responsible party* at the time of the change in use to the county in which the property is located. Moneys paid to a county from the land use change tax shall be used, in addition to any other funds, to pay for the cost of the services provided in RSA 28:7-a and 7-b. The land use change tax shall be due and payable according to the following procedure:

(a) The commissioner shall prescribe and issue forms to the local assessing officials for the land use change tax bill which shall provide a description of the property which is subject to a non-qualifying use, the RSA 75:1 full value assessment, and the tax payable.

(b) The prescribed form shall be prepared in quadruplicate; the original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the land use change tax along with a special tax warrant authorizing the collector to collect the land use change tax assessed under the warrant; the quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the land use change tax warrant and the prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice thereof. Such bill shall be mailed, at the latest, within 12 months of the date upon which the local assessing officials receive written notice of the change of use from the landowner or his agent, or within 12 months of the date the local assessing officials actually discover that the land use change tax is due and payable. Upon receipt of payment, *but except for proceedings under RSA 79-A:7, VI(e)*, the collector shall forward the original tax bill to the register of deeds of the county in which the land is located for the purpose of releasing recorded contingent liens required under RSA 79-A:5, VI. The tax bill shall state clearly whether all, or only a portion, of the land affected by the notice of contingent lien is subject to release. The recording fee charged by the register of deeds shall be paid by the owner of the land in accordance with the fees to which the register of deeds is entitled under RSA 478:17; 478:17-f or 478:17-g, I as applicable.

(d) Payment of the land use change tax, together with the recording fees due the register of deeds, shall be due not later than 30 days after mailing of the tax bills for such tax, and interest at the rate of 18 percent per annum shall be due thereafter on any taxes not paid within the 30-day period.

(e) All land use change tax assessments levied under this section shall, on the date of the change in use, create a lien upon the lands on account of which they are made and against the owner of record of such land *or against the responsible party pursuant to RSA 79-A:7, VI(e)*. Furthermore, such liens shall continue for a period of 18 months following the date upon which the local assessing officials receive written notice of the change of use from the landowner or his agent, or the date the local assessing officials actually discover that the land use change tax is due and payable, and such assessment shall be subject to statutory collection proceedings against real estate as prescribed by RSA 80.

(f) Thereafter, the land which has changed to a use which does not qualify for current use assessment shall be taxed at its full RSA 75:1 value. The land shall again become eligible for current use assessment if it meets the open space criteria established by the board under RSA 79-A:4, I.

3 Effective Date. This act shall take effect July 1, 2006.

HB 1689, relative to the New Hampshire-Vermont interstate waste compact. **INEXPEDIENT TO LEGISLATE.**

Rep. Betty B. Hall for Environment and Agriculture: The process of withdrawing from the New Hampshire-Vermont interstate waste compact is proceeding on schedule and this bill is premature. Vote 13-0.

HB 1247-FN, relative to licensure of pharmacy benefit managers. **REFER FOR INTERIM STUDY.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: Pharmacy drug benefit managers negotiate drug prices with pharmaceutical firms for health plans and health insurance companies for drug dispensation to covered individuals within the state. Pharmacy benefits managers owe a fiduciary duty to covered individuals but expressed concern about revealing trade secrets. Issues of drug substitution, lower priced generic drugs and negotiated rates raised significant questions in the committee. The breadth and depth of pharmaceuticals in the spiraling costs of health care moved the committee to explore this issue in greater detail. Vote 12-0.

HB 1287, requiring legislative approval of any rules proposed by the state board of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: Testimony from the Department of Education reassured the committee that the multiple rules processes (10-12 per year) which take 12-18 months in time are working. The current process is more open thanks to the last successful set of rules. The committee also objected to subjecting rulemaking requirements for the Board of Education to an extent that exists for no other agency. Vote 11-0.

HB 1298, establishing a commission to evaluate disciplinary procedures of the board of medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Coburn for Executive Departments and Administration: This committee felt a performance audit would better serve the purpose than a commission. The bill was amended to indicate a study committee in case the request for a performance audit was denied. The committee expects that the performance audit will result in additional legislation to correct any problems found. Vote 11-0.

Amendment (1021h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a study committee to evaluate disciplinary procedures of the board of medicine.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a study committee to evaluate the policies, procedures, and effectiveness of the disciplinary process of the board of medicine under RSA 329.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be members of the executive departments and administration committee and one of whom shall be a member of the judiciary committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall evaluate the policies, procedures, and effectiveness of the disciplinary process of the board of medicine under RSA 329.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to evaluate the policies, procedures, and effectiveness of the disciplinary process of the board of medicine.

HB 1337, relative to the regulation of carnival and amusement ride operators. OUGHT TO PASS WITH AMENDMENT.

Rep. Ken Hawkins for Executive Departments and Administration: This bill will establish an Amusement Safety Advisory Board within the Department of Safety. The board will be like the Tramway Board to ensure that rides are inspected; employees are trained, etc; to help ensure the safety of the public. Vote 12-0.

Amendment (1086h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing the amusement ride safety advisory board.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Amusement Ride Safety Advisory Board. Amend RSA 321-A by inserting after section 9 the following new sections:

321-A:10 Amusement Ride Safety Advisory Board; Membership.

I. There is established the amusement ride safety advisory board, comprised of the following members:

(a) The commissioner or designee, who shall serve as the chair of the board.

(b) One representative of owners or operators of carnival or amusement rides which are portable in nature, appointed by the governor with the advice and consent of the council.

(c) One representative of owners or operators of permanently placed carnival or amusement rides, appointed by the governor with the advice and consent of the council.

(d) One representative of the fair managers in New Hampshire, appointed by the governor with the advice and consent of the council.

(e) An insurance professional with experience underwriting carnival or amusement rides, appointed by the governor with the advice and consent of the council.

(f) An electrical engineer with experience in the mechanisms of amusements, appointed by the governor with the advice and consent of the council.

(g) A member of the general public, appointed by the governor.

II. The first members of the board shall serve staggered terms, appointed as follows: members appointed under subparagraphs I(b) and (c) shall be appointed for one-year terms, members appointed under subparagraphs I(d) and (e) shall be appointed for 2-year terms, members appointed under subparagraphs I(f) and (g) shall be appointed for 3-year terms. Thereafter, appointed members shall serve 4-year terms, and until their successors are appointed. Any vacancy on the board shall be filled for the remainder of the unexpired term.

III. Members of the board may be removed from office only as provided in RSA 4:1.

IV. Members of the board shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in official duties.

321-A:11 Amusement Ride Safety Advisory Board; Duties; Administratively Attached to Department of Safety.

I. The duties of the amusement ride safety advisory board shall be:

(a) To assist the division with the formulation of rules and regulations regarding the safe operation of amusement rides; and

(b) To give the division such counsel and advice as will aid it in the proper enforcement and administration of the provisions of this chapter.

II. The board shall be administratively attached to the department of safety, division of safety services for the purposes of reporting and sharing support services.

III. On or before January 1 of each year, the board shall submit a report of its activities, findings, and recommendations to the department of safety.

2 Rulemaking Relative to Carnival and Amusement Rides; Consultation with Amusement Ride Safety Board. Amend RSA 321-A:2 to read as follows:

321-A:2 Rules. The commissioner shall adopt rules, *in consultation with the amusement ride advisory board* and pursuant to RSA 541-A, for the safe installation, repair, maintenance, use, operation, and inspection of all carnival or amusement rides, air supported structures, and amusement attractions, as covered by this chapter, for the protection of the general public. The rules shall be based upon generally accepted engineering standards, formulas, and practices.

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes the amusement ride safety advisory board.

HB 1347, relative to licensure, registration, or certification of regulated professions. **REFER FOR INTERIM STUDY.**

Rep. Donald F. Ryder for Executive Departments and Administration: The committee felt this bill to be of great importance to the public but some relevant points were not covered. Many meaningful ideas were presented but time prevented the committee from fully addressing them. Interim study will allow the committee to review them and make the bill more protective. Vote 13-0.

HB 1351, relative to the rulemaking process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This amended bill does the following: 1) requires proposed legislation which contains rulemaking to include a clear statement of intent; 2) establishes a process for dealing with a preliminary objection by the Joint Legislative Committee on Administrative Rules which includes the option of sending a copy of the objection to the standing policy committee and requiring notice to the agency effected; and 3) establishes a study committee on the rule process to discuss a number of concerns including but not limited to: (a) the development of a process to record a clear statement of legislative intent on every bill sent out of a house or senate committee with a favorable report; such process may involve requiring a purpose clause to be included in every bill in the form of either chapter law or statute, requiring a statement of intent to be included in every bill filed, requiring a statement of intent to be included in each house committee report, or requiring all house hearing and executive session to be recorded; (b) the development of a formal process for ensuring that the Joint Legislative Committee on Administrative Rules receives input from the appropriate policy committees on proposed rules; such process may involve the establishment of a rules review subcommittee within each policy committee of the house and senate and/or participation by a policy committee member prior to the agency public comment period; (c) adopting methods to provide for an expedited rulemaking process to adopt rule changes with minimal impact, including the adoption or revision of forms used by agencies; (d) developing an RSA 541-A training program for members newly appointed to the Joint Legislative Committee on Administrative Rules and an educational program on rules for all House members. Vote 13-0.

Amendment (0995h)

Amend RSA 14:39-a as inserted by section 1 of the bill by replacing it with the following:

14:39-a Legislation Granting Rulemaking Authority. Any member of the house of representatives or senate proposing legislation which includes provisions granting rulemaking authority to any agency as defined in RSA 541-A:1, II, shall include an explanation of the intent for the proposal relative to the parameters under which rulemaking authority under RSA 541-A may be used. Rulemaking provisions in proposed legislation shall not grant broad authority for the adoption of rules, including general authority to implement a program, but shall specify the issues to be addressed by rules.

Amend RSA 541-A:7 as inserted by section 5 of the bill by replacing it with the following:

541-A:7 Style of Rules. Rules shall be written in a clear and coherent manner using words with common and everyday meanings [~~consistent with the text of the rule, except when~~] *for those persons who engage in the activities that are regulated by the rules, which may include technical language [is] as necessary.*

Amend RSA 541-A:13, V(b) as inserted by section 6 of the bill by replacing it with the following:

(b) If the committee objects to the final proposal as filed or as amended pursuant to paragraph II, the committee shall send the agency a preliminary written objection stating the basis for the objection. A preliminary objection or conditional approval shall require the assent of a majority of the votes cast, a quorum being present. *If a preliminary objection is made to a rule proposed to implement a new or newly amended state statute, the committee may send a copy of the preliminary objection to the appropriate standing policy committees and, if so, shall give notice to the agency. Within 30 days of the date the preliminary objection was entered, the standing policy committee may review the proposed rules and the preliminary objection and may advise the committee relative to the basis for the preliminary objection.*

HB 1381, requiring the department of environmental services to do a criminal background check on any applicant for a permit. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: The Department of Environmental Services issues over 10,000 permits per year. The bill was amended so that air pollution permits would not be granted to anyone for various reasons, including felony convictions in the previous five years as well as numerous other subjective reasons. The committee, after much discussion, felt that DES has enough enforcement power to revoke permits now. Vote 10-2.

HB 1397, prohibiting an agency from adopting rules over the objection of the joint legislative committee on administrative rules. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Executive Departments and Administration: This bill was not necessary as HB 1351 would address the concerns of the rule making process. Vote 12-0.

HB 1456-FN, relative to licensure of septic system inspectors. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: The committee heard testimony on the increasing number of problems confronting sellers and purchasers of real estate that deal with septic systems. Currently, there are no regulations in New Hampshire concerning qualifications for inspection of septic systems or the qualifications of inspectors themselves. The committee supports the work of Department of Environmental Services and home inspectors to address these problems and encourages them to pursue in greater depth the mechanism for licensure versus certification, requirements for continuing education, and the requirements for qualifications as a septic inspector. Vote 12-0.

HB 1517-FN, relative to membership on the board of medicine and the medical review subcommittee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Coburn for Executive Departments and Administration: The committee agreed that more public oversight on the board and subcommittee was a good thing. An amendment added one public member to the board and two public members to the subcommittee. It also staggered the terms of the public members and cleared up some wording. Vote 12-2.

Amendment (1038h)

Amend the bill by replacing all after the enacting clause with the following:

1 Board of Medicine; Membership. Amend RSA 329:2, I to read as follows:

I. There shall be a board of medicine consisting of [9] **10** members; including 5 members selected from among physicians and surgeons, one member selected to represent physician as-

sistants regulated by the board, the commissioner or the medical director of the department of health and human services, *or in the case of a vacancy in the office of medical director, the commissioner shall appoint a designee*, and [2] 3 public members. Only board members provided for in this paragraph shall have the authority to vote in board determinations. Any public member of the board shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

2 Board of Medicine; Appointment. Amend RSA 329:4 to read as follows:

329:4 Appointment; Term; Removal.

I. The commissioner or the medical director of the department of health and human services shall serve as a voting member of the board, *or in the case of a vacancy in the office of medical director, the commissioner shall appoint a designee*. The commissioner and the medical director, *or designee*, are exempt from the provisions of RSA 329:4, II.

II. The remaining [8] 9 members of the board shall be appointed, as their terms expire, by the governor with the advice and consent of the council. Their terms of office shall be 5 years and until their successors are appointed and qualified. No member shall be appointed to more than 2 consecutive terms. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any appointed member of the board for malfeasance, misfeasance, or nonfeasance.

3 Medical Review Subcommittee; Public Members. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of [7] 9 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and [6] 8 other persons, ~~[no more than] 3 of whom shall be public members and 5 of whom shall be physicians~~ *[one of whom shall be a medical director as defined in paragraph III-b of this section]*. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. *The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year.* The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ a physician as a medical review subcommittee administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds public members to the board of medicine and the medical review subcommittee, and allows for a designee in the case of a vacancy in the office of medical director of the department of health and human services.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board. **OUGHT TO PASS.**

Rep. James B. Coburn for Executive Departments and Administration: This bill deletes the requirement that one member of the medical review subcommittee is a medical director. The requirement was specified back when there were perceived issues with HMOs that a medical director would be best qualified to address. The issues never became serious and now there are only a few medical directors in the state. The Board of Medicine and the New Hampshire Medical Society support this bill. Vote 12-0.

HB 1572, establishing a commission to study the mission and organization of the fish and game department. **INEXPEDIENT TO LEGISLATE.**

Rep. Ronald J. Nowe for Executive Departments and Administration: While we oppose the forming of a commission to investigate the mission and organization of the Fish and Game Department, we feel an LBA performance audit would objectively identify problems which then could be rectified. We also realize that the Fish and Game Committee has the intent of setting up a study of the Fish and Game Department. In an effort to eliminate duplication of effort and redundancy, we could not support this bill. Vote 3-0.

HB 1574, relative to membership on the public employees deferred compensation commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill permits the director of the Office of Securities Regulation to appoint a designee to serve on the Public Employee Deferred Compensation Commission. Vote 1-0.

Amendment (1179h)

Amend RSA 101-B:2, I(e) as inserted by section I of the bill by replacing it with the following:

(e) The ~~[director of the office of securities regulation, department]~~ *secretary of state, or designee;*

AMENDED ANALYSIS

This bill replaces the director of the office of securities regulation with the secretary of state or designee as a member of the public employees deferred compensation commission.

HB 1590-FN, relative to the pari-mutuel commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill, as amended, was brought forward at the request of the pari-mutuel commission after consultation with the attorney general's office to make technical changes and strengthen language in pari-mutuel licensing. The bill provides the pari-mutuel commission and the attorney general with authority to conduct criminal background checks, require proper disclosure of information and set conditions for license holders and applicants. It also gives the pari-mutuel commission and the attorney general authority to audit and investigate at the applicant or licensees expense. The bill also defines the duties and powers of the racing stewards and judges, bringing them into compliance with common practices in the industry. Vote 13-0.

Amendment (0884h)

Amend the bill by replacing all after the enacting clause with the following:

I License Fees; Background Checks. Amend RSA 284:12-a to read as follows:
284:12-a License Required; *Investigation Fees.*

I. No person, association, corporation, *or any other type of entity* shall hold any running or harness horse or dog race or meet at which pari-mutuel pools are sold without a license from the commission.

II. *Investigation fees shall be collected by the commission and shall be continually appropriated to the commission and used by the commission to offset the costs of conducting background checks and monitoring of license applicants and licensees as required under this section, RSA 284:16, RSA 284:16-a, RSA 284:18-a, RSA 284:19, RSA 284:20, and RSA 284:20-b. Funds received hereunder and not expended for such investigations shall lapse to the general fund 2 years after receipt of such funds.*

2 License Applicants; Audits. Amend RSA 284:15, III to read as follows:

III. The commission shall have the power to require, at the applicant's or holder's expense, that any financial information provided under paragraphs I and II be verified by an audit performed by a certified public accountant. The commission shall have the further power to require that as a condition of securing a license or of continuing to hold a license the license applicant or holder make available its books and records so as to permit the commission to perform such independent auditing or financial analysis as the commission may deem necessary. In so doing, the commission may employ certified public accountants and any other financial analysts or investigators necessary to perform said auditing and may ~~[pay them reasonable compensation, on the warrant of the governor, out of any money in the treasury not otherwise appropriated]~~ *bill the license applicant or holder for all costs associated with the auditing.*

3 Disclosure of Information. RSA 284:15-b is repealed and reenacted to read as follows:
284:15-b Disclosure of Information; Expenses of Investigations.

I. Any person, association, corporation or any other type of entity applying for or holding a license issued pursuant to the provisions of this chapter shall file annually, not later than December 31, with the attorney general a complete and detailed written statement, signed under oath, by the applicant or holder of such license, if an individual, or by the officers of the applicant or holder, if a corporation or an association, containing the following information:

(a) The name, residence address, and nature of the ownership interest, including where applicable the number of shares of stock held and, if known, how obtained, of every person who possesses an ownership interest in such license applicant or holder;

(b) The name, address, present principal occupation or employment, and the name and principal business of any corporation or other organization in which such employment is carried on of every director, officer, and holder of 10 percent or more ownership interest in such license applicant or holder;

(c) The name and all information which a license applicant or holder has or might reasonably be expected to have as to any felony convictions of any officer, director, or holder of an ownership interest of any degree; provided, that if the license applicant or holder is an association or corporation in which 25 or fewer individuals or organizations hold an ownership interest or stock, then the information required by subparagraphs (a) and (b) shall be provided by each such interest holder or stockholder, who shall be further required to submit a detailed statement of assets and liabilities on forms prescribed by the attorney general; and

(d) Such information as the commissioner may prescribe by rule or rejection.

II. The attorney general shall have the authority to conduct an investigation on the attorney general's motion into the background of the license applicant or holder, of any person included in paragraph I or of any person or entity upon whom the license applicant or holder relies for financial support. In addition, whenever the commission shall receive an application, it shall refer the application to the attorney general who shall conduct such an investigation. The investigation may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal or business background, or any other information which the attorney general, in the attorney general's sole discretion, may find to bear on the subject's fitness to be associated with racing in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. When the commission requests such an investigation, the attorney general shall report the results of such investigation to the commission within 90 days after the receipt of the request. Notwithstanding any other law to the contrary, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general shall have sole discretion to determine the extent to which and the manner in which the results may be reported to the commission or other state agency or official and, if reported, whether such results are to retain their confidential character; provided, however, that whenever the attorney general conducts such an investigation, the attorney general shall notify the commission whether or not in the attorney general's opinion such person is fit to be associated with racing in New Hampshire. Notwithstanding any other provision of law, no person shall be issued or hold a license if in the opinion of the attorney general such person is not fit to be associated with racing in this state.

III. The reasonable expenses of the commission and the office of attorney general in conducting any investigation authorized in this section, including the services of consultants, experts, accountants and other assistants, shall be a direct charge against the applicant or holder.

IV. In any investigation conducted pursuant to paragraph II, the attorney general or any duly authorized justice department staff member may require, by subpoena or otherwise, the attendance of witnesses and the production of such correspondence, documents, books, and papers as the attorney general or staff member deems advisable, and for purposes of this section, may administer oaths and take the testimony of witnesses. No person shall be excused from testifying or from producing any book or paper in any investigation conducted pursuant to paragraph II upon the ground that such testimony or documentary evidence might tend to incriminate such person; provided that if, after a claim of privilege, the attorney general, in writing, orders such person to testify or produce documentary evidence, that person shall not be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any act, transaction, matter, or thing which such person, under oath, disclosed or produced. No person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in such testimony.

4 Condition of Licensee. Amend RSA 284:16-b to read as follows:

284:16-b [Financial] Condition of Licensee.

I. The commission shall monitor the [financial] condition of its licensees on a continuing basis and shall have the power to revoke, after hearing, any license if in its judgment the [financial] condition of the holder thereof does not warrant a continuation of said license, or, in lieu of revocation, to impose such conditions upon the continued possession of the license as the commission deems reasonably necessary [to the functioning of said licensee on a sound financial basis].

II. The commission, after conducting a hearing, may require a licensee to divest itself of any partner, person, sub-corporation, shareholder, or any other entity of the licensee if the commission determines that any partner, person, sub-corporation, shareholder, or any other entity of the licensee is not fit to be associated with racing in this state.

III. The licensee shall notify the commission of any change of, or transfer of any of the owners of the voting stock or other voting interest, if the licensee is privately held. In the case of a publicly-traded entity holding the license, the commission shall be notified of any changes to the board of directors, or when more than 10 percent of the publicly-held shares or other voting interest are closely held by one entity. The licensee shall provide such notice to the commission in writing within 10 days of the occurrence of any such event. On receipt of such notice, the commission shall assess whether the change in ownership affects the licensee's qualifications for continued licensure.

5 Powers of Stewards. Amend RSA 284:20 to read as follows:

284:20 Stewards. There shall be at least 3 stewards to supervise each running or harness horse race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold. One of such stewards shall be the official steward of the state racing commission, and the remaining stewards shall be appointed by the person, association, corporation, *or any other type of entity* conducting the race or meet, subject to the approval of the commission. Said stewards shall *be authorized to assess fines and suspend licenses and shall exercise such other* powers and perform such duties at each race meet as may be prescribed by the rules and regulations of the commission. *Any person who has been assessed a fine or whose license has been suspended may appeal any fine or suspension imposed by the stewards under this section to the commission.*

6 Powers of Judges. Amend RSA 284:20-b to read as follows:

284:20-b Judges. There shall be at least 3 judges to supervise each dog race or meet, conducted under the provisions of this chapter, at which pari-mutuel pools are sold. One of such judges shall be the official judge of the state greyhound racing commission, and the remaining judges shall be appointed by the person, association, corporation, *or any other type of entity* conducting the race or meet, subject to the approval of the commission. Said judges shall *be authorized to assess fines and suspend licenses and shall exercise such other* powers and perform such duties at each race as may be prescribed by the rules and regulations of the commission. *Any person who has been assessed a fine or whose license has been suspended may appeal any fine or suspension imposed by the judges under this section to the commission.*

7 Compensation of Stewards. Amend RSA 284:20 to read as follows:

284:20-d Compensation of Stewards, Judges, and Veterinarians. Compensation of the commission veterinarian, and of the official state steward or associate judges of the commission shall be reimbursed to the state by the person, association, corporation, *or any other type of entity* conducting the race or meet, and such reimbursement shall include the employer's share of OASI taxes. The commission may establish the salaries of the state steward and associate judges. Payments to the state required under this section shall be made no later than 30 calendar days after receipt of billing from the commission. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of up to \$50 for each day the payments are overdue, at the discretion of the pari-mutuel commission.

8 New Section; Background and Criminal Records Check. Amend RSA 284 by inserting after section 284:20-e the following new section:

284:20-f Background and Criminal Records Check.

I. Each applicant for a license pursuant to this chapter and rules adopted by the pari-mutuel commission shall submit to the commission with his or her license application a background and criminal record release authorization form provided or approved by the pari-mutuel commission.

II. Upon receipt of an applicant's background and criminal record information, the commission shall make a determination of eligibility for licensure.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes changes in the laws regulating horse and greyhound racing, including license requirements and fees, payment for audits, powers of stewards and judges, and compensation of track veterinarians.

HB 1595-FN, relative to voluntary certification of electronic systems technicians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill will license electronic system technicians who install sound systems and home theaters and place them under the Electricians Board. Presently, systems that are being installed that do not meet wiring codes could result in a public safety concern. Vote 14-0.

Amendment (1188h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to certification of electronic systems technicians by the electricians' board.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Electronic Systems Technicians. Amend RSA 319-C by inserting after section 15 the following new subdivision:

Electronic Systems Technicians**319-C:16 Certification of Electronic Systems Technicians.**

I. The board shall establish and administer an electronic system technician certification program for the purpose of certifying an individual whose primary occupation is the design or integration, installation, and field maintenance or service of cabling infrastructure and products that do any of the following:

(a) Transport voltage of less than 100 volts of voice, video, audio, control, and data signals in commercial and residential premises.

(b) Capture and display or otherwise annunciate signals.

(c) Control voice, video, audio, or data signals.

(d) Use signals to control mechanical and electrical apparatus.

II. The board, with the approval of the commissioner of safety, shall adopt rules pursuant to RSA 541-A developed by the advisory committee on electronic systems technicians relative to:

(a) The establishment of minimum education and training standards and continuing education requirements for certified electronic systems technicians.

(b) The establishment of fees for certification. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the program for the previous fiscal year.

III. Whoever falsely claims to be certified as an electronic systems technician through advertising, signage, or verbal representation shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

IV. Electricians licensed by the board under this chapter shall be exempt from the requirements of this subdivision.

V. Telephone, cable, and utility workers when performing their duties shall be exempt from the requirements of this subdivision.

319-C:17 Criminal Records Check.

I. All applicants for certification as an electronic systems technician shall submit to the New Hampshire department of safety, division of state police, a notarized criminal record release authorization form, along with the appropriate fee, prior to submitting an application for a certification to the board.

II. The board shall supply the criminal record release authorization form to applicants.

III. Upon receipt of an applicant's criminal record information, the board shall make a determination of eligibility for certification.

319-C:18 Advisory Committee on Electronic Systems Technicians. There is established an electronic system technicians advisory committee appointed by the governor with advice of the council. The term of office for members shall be 3 years and until a successor is appointed. The initial members of the commission shall serve staggered terms. Vacancies shall be filled in the same manner and for the unexpired terms.

I. The advisory committee shall be comprised of the following members:

(a) Three representatives of the Custom Electronic Design and Installation Association.

- (b) Two representatives of the National Systems Contractors Association.
- (c) Two representatives of the Retail Merchants Association of New Hampshire.
- (d) Two representatives of a trade union.

II. The advisory committee shall assist the board in carrying out the duties under this subdivision by providing advice regarding:

- (a) Developing rules.
- (b) Qualifications for certification.
- (c) Implementing the certification program under this subdivision.

2 Effective Date. This act shall take effect July 1, 2006.

HB 1602-FN, eliminating the reduction of a New Hampshire retirement system annuity at age 65. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: At the present time when an eligible employee retires, he or she receives a retirement check from the New Hampshire Retirement System. Upon reaching the age of 65, the benefit is reduced by 10%. This bill if passed would require an additional \$11 million dollars be collected from both employer and employee. In the 60's, 70's and early 80's, there was a 100% reduction at age 65 because of the Social Security benefit that was reduced to 10% sometime in the 1980's. Vote 9-2.

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This makes a few technical changes to the New Hampshire Retirement System. It would also change the date the fiscal committee may approve COLA'S from February 1 to May 31 of each year. This would allow four more months to analyze the returns the system has attained. Vote 12-0.

Amendment (0862h)

Amend the bill by replacing sections 6 and 7 with the following:

6 Political Subdivisions; Modifications. Amend RSA 100-A:22 to read as follows:

100-A:22 Modifications. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. If the employer is unable or unwilling to make such contributions, a member in service may petition the board of trustees for periods of prior service rendered to such employer. Upon payment by the member of the amount determined in accordance with RSA 100-A:3, VI(b) and with the approval of the board, the member shall receive credit for such prior service. Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. *However, in no event shall prior service purchased as creditable service under this section be used as creditable service for the purpose of eligibility for medical benefits under RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.* Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities may, by action of their city council or board of selectmen, exempt their chief administrative officer, ~~as an unclassified employee~~ *at the time of initial hiring or appointment*, from compulsory membership provided herein. The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system, such duties as shall be prescribed by the trustees in order to carry out the provisions of this chapter.

7 Supplemental Allowances. Amend RSA 100-A:41-a, II to read as follows:

II. ~~On February 1~~ *No later than May 31* of each year, ~~beginning in 1999,~~ the fiscal committee of the general court may approve ~~[COLA's]~~ *COLAs* for the July 1 thereafter upon certification from the actuary of the amount of the COLA which may be granted to each member classification based on the funds available in the special account for each member classification. The actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the

year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13, **100-A:19, the provisions of former RSA 100-A:16, I(c)(2) relative to additional contributions**, or similar provisions of predecessor systems.

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 9 and 10, respectively:

8 New Paragraph; Creditable Service; Purchase of Nonqualified Service Credit. Amend RSA 100-A:4 by inserting after paragraph VI the following new paragraph:

VII. Notwithstanding any provision of this section, a member in active service in the retirement system who currently has at least 5 years of creditable service in the state, shall be entitled to receive credit for not less than one month nor more than 5 years of nonqualified service credit within the meaning of section 415(n) of the United States Internal Revenue Code of 1986, as amended, upon payment by the member of the full actuarial cost of such credit and upon approval of the board, subject to the following:

(a) Credit shall not be granted until the active member has fully paid for the nonqualified service in a lump sum or by installment payments as permitted by the board. The actuarial cost shall be the product of the member's annual rate of compensation at the time of buy-in, multiplied by the sum of the member and employer contribution rates in effect with respect to the member at the time of buy-in, multiplied by the number of years of nonqualified service credit bought. The member's payment shall be credited to the member annuity savings fund.

(b) "Nonqualified service credit" means time that is not otherwise purchasable under this chapter.

(c) Requests concerning the purchase of nonqualified service credit pursuant to this paragraph shall be limited to 2 such requests per member per calendar year.

AMENDED ANALYSIS

This bill makes various changes to the New Hampshire retirement system concerning service of members, determination of benefits, and administration of RSA 100-A.

HB 1683-FN, establishing a homestead food license for residential, non-commercial kitchens. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald F. Ryder for Executive Departments and Administration: The establishing of a homestead food license causes out of state suppliers to be subject to the same requirements as in-state suppliers. It establishes a two level license based on gross sales. The bill reduces a one-time registration fee and requires training and certification of processors and manufacturers of home made foods. Vote 16-0.

Amendment (0662h)

Amend RSA 143-A:12, II as inserted by section 2 of the bill by replacing it with the following:

II. There is hereby established a 2-level homestead license. For a level one license, a one-time fee of \$25 shall be paid to the department of health and human services. The level 2 homestead license shall be based on gross sales. It shall be unlawful for a processor or a manufacturer to operate a homestead without a homestead license as required under this subdivision. The commissioner and the commissioner of the department of agriculture, markets, and food shall administer the homestead licensure required under this subdivision.

Amend RSA 143-A:13, V as inserted by section 2 of the bill by replacing it with the following:

V. Fees for a level 2 license, including application fees and fees for renewal.

HB 1696-FN, relative to the cremation of human remains. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte Houde-Quimby for Executive Departments and Administration: This bill provides for licensing and annual inspection of crematoria under the auspices of the Department of Health and Human Services. The committee heard testimony from law enforcement and family members about multiple egregious violations of practices, bookkeeping and behavior in a New Hampshire crematorium and believes that it is imperative to the grieving families of New Hampshire to in-

sure that this tragedy never be repeated. Provisions are made to allow the assistant deputy medical examiner to remove pacemakers and other such devices at the crematorium. Regulations are put in place to protect the final remains and mandates that only one remain be processed at one time unless the remains are family members whose authorizing agent so deems. Crematory authorities shall retain for at least seven years after the cremation, with appropriate backup if electronic, documents required under this chapter. Finally, the department may impose disciplinary actions as well as fines not to exceed \$20,000 per violation. Vote 14-0.

Amendment (1198h)

Amend the bill by replacing section I with the following:

I Cremation of Human Remains. RSA 325-A is repealed and reenacted to read as follows:

CHAPTER 325-A

CREMATION OF HUMAN REMAINS

325-A:1 Definitions. In this chapter:

I. "Alternative container" means a container in which human remains are placed in a cremation chamber for cremation.

II. "Authorizing agent" means a person vested with the right to control the disposition of human remains pursuant to RSA 290.

III. "Casket" means a rigid container made of wood, metal, or other similar material, ornamented and lined with fabric, which is designed for the encasement of human remains.

IV. "Commissioner" means the commissioner of health and human services.

V. "Cremated remains" means the residue of human remains recovered after cremation and the processing of such remains by pulverization, leaving only bone fragments reduced to unidentifiable dimensions, and the unrecoverable residue of any foreign matter, such as eyeglasses, bridge-work, or other similar material, that was cremated with the human remains.

VI. "Cremated remains" receipt form means a form provided by a crematory authority to an authorizing agent or his or her representative that identifies cremated remains and the person authorized to receive such remains.

VII. "Cremation" means the technical process that uses heat and evaporation to reduce human remains to bone fragments.

VIII. "Cremation chamber" means the enclosed space within which a cremation takes place.

IX. "Crematory" means a building or portion of a building which contains a cremation chamber and holding facility.

X. "Crematory authority" means the legal entity subject to licensure by the department to maintain and operate a crematory and perform cremation.

XI. "Crematory operator" means a person who is responsible for the operation of a crematory.

XII. "Delivery receipt form" means a form provided by a funeral establishment to a crematory authority to document the receipt of human remains by such authority for the purpose of cremation.

XIII. "Department" means the department of health and human services.

XIV. "Funeral director" means funeral director as defined in RSA 325.

XV. "Holding facility" means the area of a crematory designated for the retention of human remains prior to cremation and includes a refrigerated facility.

XVI. "Human remains" means the body of a deceased person, or a human body part, in any stage of decomposition and includes limbs or other portions of the anatomy that are removed from a person or human remains for medical purposes during treatment, surgery, biopsy, autopsy, or medical research.

XVII. "Permanent container" means a receptacle made of durable material for the long-term placement of cremated remains.

XVIII. "Temporary container" means a receptacle made of cardboard, plastic, or other similar material in which cremated remains are placed prior to the placement of such remains in an urn or other permanent container.

325-A:2 Crematory; License Required. A crematory shall not be established, operated, or maintained in this state except by a crematory authority licensed by the department under this chapter. The department shall issue a license to a crematory authority that satisfies the requirements for licensure under the chapter. Human remains shall not be cremated in this state except at a crematory operated by a crematory authority licensed under this chapter.

325-A:3 Building and Location Requirements.

I. A crematory shall conform to all building codes and environmental regulations.

II. A crematory may be constructed at any location consistent with applicable zoning and environmental regulations.

325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license as a crematory authority shall file a written application with the department. The application shall be accompanied by the license fee required under RSA 325-A:7 and a certificate confirming that the crematory operator has attended, prior to issuance of the license, a training course provided by the Cremation Association of North America or by the manufacturer of the cremation chamber maintained and operated by the crematory authority and shall set forth the full name and address of the applicant, the address and location of the crematory, the name of the crematory operator, the name and address of the owner of the crematory, and additional information as required by the department, including affirmative evidence of the applicant's ability to comply with rules adopted under this chapter. The application shall include the applicant's social security number if the applicant is an individual. The social security number shall not be public record and shall only be used for administrative purposes.

325-A:5 License; Expiration. Except as otherwise provided in this chapter, licenses issued pursuant to this chapter shall expire 5 years after the date of issuance. Licenses shall be issued only for the crematory authority named in the application and shall not be transferable or assignable.

325-A:6 Change in Location, Ownership, or Name.

I. A crematory authority desiring to relocate a crematory shall file a written application with the department at least 30 days prior to the designated date of such relocation. The application shall be accompanied by a fee as determined by the department in rules adopted under RSA 541-A.

II. A crematory authority desiring to change ownership of a crematory shall file a written application with the department at least 30 days prior to the designated date of such change. The application shall be accompanied by a fee as determined by the department in rules adopted under RSA 541-A.

III. A crematory authority desiring to change its name shall file a written application with the department at least 30 days prior to such change. The application shall be accompanied by a fee as determined in rules adopted under RSA 541-A.

325-A:7 Licensure; Fees.

I. The fee for an initial or renewal license as a crematory authority shall include a fee determined in rules adopted under RSA 541-A.

II. If the license application is denied, the license fee shall be returned to the applicant, except that the department may retain an administrative fee and may retain the entire license fee if an inspection has been completed prior to such denial.

III. The department shall collect a fee for reinstatement of a license that has lapsed or has been suspended. The department shall collect a fee for a duplicate original license.

IV. The department shall collect a fee for a certified statement that a crematory authority is licensed in this state and a fee for verification that a crematory authority is licensed in this state.

V. The department shall collect all fees authorized under the chapter and shall remit such fees to the state treasurer for deposit in the general fund of the state.

325-A:8 Inspection; Department; Duties.

I. The department shall annually inspect or provide for the inspection of any crematory operated by a crematory authority licensed under this chapter in such manner and at such times as provided in rules adopted by the commissioner.

II. The department shall issue an inspection report and provide a copy of the report to the crematory authority within 10 working days after the completion of an inspection. The department shall review any findings of noncompliance contained in such report within 20 working days after such inspection.

III. If the department determines, after such review, that the evidence supports a finding of noncompliance by a crematory authority with any applicable provisions of this chapter or rules adopted under this chapter, the department may send a letter to the crematory authority requesting a statement of compliance. The letter shall include a description of each alleged violation, a request that the crematory authority submit a statement of compliance within 10 working days, and a notice that the department may take further action if the statement of compliance is not submitted. The statement of compliance shall indicate any actions by the crematory authority which have been or

will be taken and the period of time estimated to be necessary to correct each alleged violation. If the crematory authority fails to submit such statement of compliance or fails to make a good faith effort to correct the alleged violations, the department may take further action as provided in this chapter.

325-A:9 Complaints.

I. Any person may submit a complaint to the department and request investigation of an alleged violation of this chapter or rules adopted under this chapter. The department shall review all complaints and determine whether to conduct an investigation relating to such complaints.

II. A complaint submitted to the department under this section shall be confidential. A person submitting such complaint shall be immune from criminal or civil liability of any nature, whether direct or derivative, for submitting the complaint or for disclosure of documents, records, or other information to the department relating to such complaint.

325-A:10 Imminent Danger; Department Powers.

I. If the commissioner determines that a crematory authority is operating a crematory so as to create an imminent danger of death or serious physical harm to persons employed at or in proximity to such crematory, he or she may order the temporary suspension or temporary limitation of the license of the crematory authority and may order the temporary closure of the crematory pending further action by the department. A hearing shall be held by the department no later than 10 days after the date of such order. The department shall also simultaneously institute proceedings for revocation, suspension, or limitation of the license of the crematory authority.

II. A continuance of the hearing under paragraph I shall be granted by the department upon written request from the crematory authority. Such continuance shall not exceed 30 days.

III. A temporary suspension or temporary limitation order by the commissioner under this section shall take effect when served upon the crematory authority and shall not exceed 90 days. If further action is not taken by the department within such period, the temporary suspension or temporary limitation shall expire.

325-A:11 Deny or Refuse to Renew License; Grounds. The department may deny or refuse to renew a license under this chapter or take disciplinary action against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the following grounds:

I. Violation of this chapter or rules adopted and pursuant to this chapter;

II. Conviction of any crime involving moral turpitude;

III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and which has a rational connection with the fitness or capacity of the crematory authority to operate a crematory;

IV. Conviction of a violation pursuant to RSA 325-A:15;

V. Obtaining a license as a crematory authority by false representation or fraud;

VI. Misrepresentation or fraud in the operation of a crematory; or

VII. Failure to allow access by an agent or employee of the department to a crematory operated by the crematory authority for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the department.

325-A:12 Disciplinary Actions.

I. The department may impose any one or more of the following types of disciplinary action against a crematory authority licensed under this chapter:

(a) A fine not to exceed \$20,000 per violation;

(b) A limitation on the license and upon the right of the crematory authority to operate a crematory to the extent, scope, or type of operation, for such time, and under such conditions as the commissioner finds necessary and proper;

(c) Placement of the license on probation for a period not to exceed 2 years during which the crematory may continue to operate under terms and conditions fixed by the order of probation;

(d) Suspension of the license for a period not to exceed 2 years during which the crematory may not operate; and

(e) Revocation and permanent termination of the license.

II. Any fine imposed and unpaid under this chapter shall constitute a debt to the state of New Hampshire which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of the state in the superior court of the county in which the crematory is located. The department shall, within 30 days after receipt, remit any such fines to the state treasurer for deposit in the general fund.

325-A:13 Appeal. Any party to a decision of the department under this chapter may appeal such decision. The appeal shall be in accordance with RSA 541.

325-A:14 License Reinstatement or Relicensure.

I. If the license of a crematory authority has lapsed for nonpayment of fees, such license shall be eligible for reinstatement at any time upon application to the department and payment of the applicable fee as provided in RSA 325-A:7.

II. If the license of a crematory authority has been placed on probation, such license shall be eligible for reinstatement at the end of the period of probation upon successful completion of an inspection if the department determines an inspection is warranted.

III. If the license of a crematory authority has been suspended, such license shall be eligible for reinstatement at the end of the period of suspension upon successful completion of an inspection and payment of the applicable fee as provided in RSA 325-A:7.

IV. If the license of a crematory authority has been suspended, such license may be reinstated by the department prior to the completion of the term of suspension upon petition by the licensee. After reviewing such petition and any material submitted by the licensee with such petition, the department may order an inspection or investigation of the licensee. Based on such review and such inspection or investigation, if any, the commissioner shall grant full reinstatement of the license, modify the suspension, or deny the petition for reinstatement. The commissioner's decision shall become final 30 days after mailing the decision to the licensee unless the licensee requests a hearing within such period. Any requested hearing shall be held according to rules of the department.

V. If the license of a crematory authority has been revoked, such crematory authority shall not be eligible for relicensure until 5 years after the date of such revocation. A reapplication for an initial license may be made by the crematory authority at the end of such 5-year period.

325-A:15 Acts Prohibited; Penalty.

I. Maintaining or operating a crematory in violation of this chapter or any rules of the department is a public nuisance and may be abated as a nuisance as provided by law.

II. It shall be a felony to establish, operate, or maintain a crematory subject to this chapter without being licensed as a crematory authority under this chapter, to hold oneself out to the public as a crematory authority without being licensed, or to perform a cremation without a cremation authorization form signed by the authorizing agent and a completed permit for transit or cremation as provided by the department or a cremation permit.

III. Signing a cremation authorization form with actual knowledge that the form contains false, incorrect, or misleading information is a felony.

IV. A violation of any other provision of this chapter is a misdemeanor.

325-A:16 Injunctions. The department may maintain an action in the name of the state for an injunction against any person for establishing, operating, or maintaining a crematory without first obtaining a license as a crematory authority under this chapter. In charging any defendant in a complaint in such action, it shall be sufficient to charge that such defendant did, upon a certain day and in a certain county, establish, operate, or maintain a crematory without obtaining a license as a crematory authority under this chapter, without alleging any further or more particular facts concerning the same.

325-A:17 Right to Authorize Cremation. The right to authorize the cremation of human remains and the final disposition of the cremated remains, except in the case of a minor and unless other directions have been given by the decedent in the form of a testamentary disposition or a pre-need contract, vests pursuant to RSA 290.

325-A:18 Crematory Authority.

I. A crematory authority upon receiving human remains shall sign a delivery receipt form and shall hold the human remains, prior to cremation, as provided in this section. The form shall include the name of the deceased, the time and date of delivery of such remains, and the signatures of the owner of the crematory or his or her representative and the funeral director or his or her representative, or the next-of-kin or designated agent as provided in RSA 290.

II. If a crematory authority is unable to cremate the human remains immediately upon taking receipt thereof, the crematory authority shall place the human remains in a holding facility. A holding facility shall be designed and constructed to comply with all applicable public health laws, provide for the health and safety of persons employed at such facility, and prevent any unauthorized access to such facility.

III. A crematory authority may refuse to accept for holding an alternative container or casket from which there is any evidence of leakage of the body fluids from the human remains in the container.

IV. If human remains received by the crematory authority are not embalmed, such remains shall be held no longer than 24 hours from the time of death unless the human remains are placed within a refrigerated facility in accordance with the laws of this state.

325-A:19 Crematory Operation; Limitations.

I. No person shall be permitted in a crematory, unless authorized by the crematory authority, while any human remains are in the crematory awaiting cremation, being cremated, or being removed from the cremation chamber.

II. The human remains of more than one person shall not be simultaneously cremated within the same cremation chamber unless the crematory authority has received specific written authorization from the authorizing agent for the human remains to be so cremated.

325-A:20 Crematory Authority; Requirements.

I. A crematory authority shall not accept human remains for cremation without a proper label placed on the exterior of the alternative container or casket indicating the name of the deceased and the name and location of the funeral establishment, or the name of the next-of-kin or designated agent as provided in RSA 290.

II. No crematory authority shall make or enforce any rules requiring that human remains be placed in a casket before cremation or that human remains be cremated in a casket. No crematory authority shall refuse to accept human remains for cremation if the human remains are not in a casket.

III. No crematory authority shall accept human remains for cremation unless the human remains are delivered to the crematory authority in an alternative container or casket or delivered to the crematory authority's holding facility to be placed in an alternative container or casket. Human remains delivered to a crematory in an alternative container shall not be removed from the alternative container, and the alternative container shall be cremated with the human remains. A crematory authority may refuse a noncombustible casket or any other container that is not an alternative container or a casket or container that is not labeled as required under paragraph I.

IV. An alternative container shall:

- (a) Be composed of readily combustible materials suitable for cremation;
- (b) Be able to be closed to provide for complete encasement of the human remains;
- (c) Be resistant to leakage or spillage;
- (d) Be rigid enough for easy handling; and
- (e) Provide protection for the health and safety of persons handling such container.

325-A:21 Cremation Authorization Form.

I. A crematory authority shall not cremate human remains until it has received a cremation authorization form as provided in paragraph II, a completed and executed permit for transit or cremation as provided by the department or the appropriate cremation permit from the state from which the human remains were delivered, indicating that the human remains are to be cremated, and a delivery receipt form.

II. A cremation authorization form shall be signed by the authorizing agent and shall include, but not be limited to, the following information:

- (a) The name of the deceased;
- (b) Date and place of death;
- (c) The identity of the funeral director involved in the preparation of the human remains for cremation, if any;
- (d) Notification that the death did or did not occur from a disease declared by the department to be infectious, contagious, communicable, or dangerous to the public health;
- (e) The name of the authorizing agent and the relationship between the authorizing agent and the deceased;
- (f) Authorization by the authorizing agent for the crematory authority to cremate the human remains;
- (g) A representation that the authorizing agent is aware of no objection to the human remains being cremated by any person who has a right to control the disposition of the human remains;
- (h) A representation that the human remains do not contain any material, implants, or conditions that may be potentially hazardous to equipment or persons performing the cremation;
- (i) The name of the person authorized to claim the cremated remains from the crematory authority; and
- (j) The intended disposition of the cremated remains.

III. A crematory authority shall retain, for at least 7 years after the cremation, in printed or electronic format with suitable backup, copies of the cremation authorization form, permit for transit or cremation as provided by the department or cremation permit, cremated remains receipt form, delivery receipt form, and any other records required under this chapter.

325-A:22 Signature.

I. Any person signing a cremation authorization form shall be deemed to warrant the truthfulness of any facts set forth on such form, including the identity of the deceased whose remains are sought to be cremated and the authority of the person to authorize such cremation. Any person signing a cremation authorization form is personally liable for all damages resulting from false, incorrect, or misleading information contained on such form.

II. A crematory authority may cremate human remains upon the receipt of a cremation authorization form signed by an authorizing agent and a completed and executed permit for transit or cremation or cremation permit as required by law.

325-A:23 Potentially Hazardous Conditions.

I. No human remains shall be cremated with the knowledge that the human remains contain a pacemaker or defibrillator or other potentially hazardous implant or condition. The authorizing agent shall take all necessary steps to ensure that any such hazardous implant or condition is removed or corrected prior to cremation. If an authorizing agent informs the funeral director and the crematory authority on the cremation authorization form of the presence of such potentially hazardous implant or condition in the human remains, the funeral director shall ensure that all necessary steps have been taken to remove or correct the implant or condition before delivering the human remains to the crematory. A funeral director who knowingly fails to ensure the removal or correction of the hazardous implant or condition prior to delivery and who knowingly delivers such human remains shall be liable for any damages resulting from such failure. If human remains with hazardous implants or conditions are in the custody of a crematory authority, such authority shall have the hazardous implants or conditions removed or corrected by a licensed funeral director and embalmer or a licensed embalmer at a funeral establishment within an embalming preparation room, or at a medical facility by appropriate medical personnel, or at the crematory by an assistant deputy medical examiner of the department of health and human services.

II. No human remains shall be cremated with the knowledge that the human remains contain jewelry or other valuables unless authorized by the authorizing agent. The authorizing agent shall take all necessary steps to ensure that any jewelry or other valuables are removed prior to cremation. If the authorizing agent informs the funeral director and the crematory authority on the cremation authorization form of the presence of jewelry or other valuables on the human remains, the funeral director shall ensure that all necessary steps have been taken to remove the jewelry or other valuables before delivering the human remains to the crematory. A funeral director who knowingly fails to ensure the removal of the jewelry or other valuables prior to delivery and who knowingly delivers such human remains shall be liable for any damages resulting from such failure. If human remains with jewelry or other valuables are in the custody of a crematory authority, such authority shall provide for the removal of such jewelry or other valuables by a licensed funeral director and embalmer or his or her agent.

325-A:24 Disputes.

I. If a crematory authority or funeral establishment is aware of any dispute concerning the cremation of human remains, or has a reasonable basis to believe that such a dispute exists or to question any of the representations made by the authorizing agent with respect to such remains, until the crematory authority receives a court order that a dispute with respect to such remains has been settled, the crematory authority or funeral establishment may refuse to accept such human remains for cremation or to perform a cremation of such remains.

II. If a crematory authority or funeral establishment is aware of any dispute concerning the release or disposition of cremated remains, the crematory authority or funeral establishment may refuse to release cremated remains until the dispute has been resolved or the crematory authority or funeral establishment has been provided with a court order authorizing the release or disposition of the cremated remains.

325-A:25 Cremated Remains; How Treated.

I. In so far as is possible, upon completion of the cremation, all of the recoverable residue of the cremation shall be removed from the cremation chamber and any foreign matter or anything other than bone fragments shall be removed from such residue and shall be disposed of by the crematory

authority. The remaining bone fragments shall be processed by pulverization so as to reduce the fragments to unidentifiable particles. This paragraph shall not apply when the commingling of human remains during cremation is otherwise authorized by law. The presence of incidental and unavoidable residue in the cremation chamber from a prior cremation is not a violation of this paragraph.

II. The cremated remains with proper identification shall be placed in a temporary container or permanent container selected or provided by the authorizing agent. The cremated remains shall not be contaminated with any other object unless specific written authorization to the contrary has been received from the authorizing agent.

III. If the entirety of the cremated remains will not fit within a temporary container or permanent container, then the remainder of such remains shall be returned to the authorizing agent or his or her representative in a separate container with proper identification.

IV. If the cremated remains are to be shipped, the temporary container or permanent container shall be packed securely in a suitable shipping container that complies with the requirements of the shipper. Unless otherwise directed in writing by the authorizing agent, cremated remains shall be shipped only by a method which includes an internal tracking system and which provides a receipt signed by the person accepting delivery of such remains.

325-A:26 Cremated Remains; Final Disposition.

I. For purposes of this chapter, the delivery of the cremated remains to the authorizing agent or his or her representative shall constitute final disposition. If, after a period of 60 days after the date of cremation, the authorizing agent or his or her representative has not directed or otherwise arranged for the final disposition of the cremated remains or claimed the cremated remains for final disposition as provided in this section, the crematory authority or the funeral establishment in possession of the cremated remains may dispose of the cremated remains after making a reasonable attempt to contact the authorizing agent or his or her representative. This method of disposition may be used by any crematory authority or funeral establishment to dispose of all cremated remains in the possession of a crematory authority or funeral establishment on or after the effective date of this chapter.

II. Cremated remains shall be delivered or released by the crematory authority to the representative specified by the authorizing agent on the cremation authorization form. The owner of the crematory authority or his or her representative and the party receiving the cremated remains shall sign a cremated remains receipt form. The form shall include the name of the deceased, the date, time, and place of receipt of the cremated remains, and the signatures of the owner of the crematory or his or her representative and the authorizing agent or his or her representative. If the cremated remains are shipped, a form used by the shipper may be used in lieu of a completed cremated remains receipt form if the shipper's form contains the information required for a cremated remains receipt form. Both the party delivering such remains and the party receiving such remains shall retain a copy of the cremated remains receipt form or shipper's form. Upon delivery, the cremated remains may be further transported within this state in any manner without a permit.

325-A:27 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A relative to:

I. Procedures for licensure of crematory authorities.

II. Establishing all required fees.

III. The content of all forms.

IV. Conditions under which human remains of persons whose death was caused by a disease declared by the department to be infectious, contagious, communicable, or dangerous to the public health may be transported in this state to a crematory for the purpose of cremation.

V. Minimum sanitation standards for all crematories.

VI. Inspection procedures for crematories as required under RSA 325-A:8.

325-A:28 Crematory Authority; Bylaws. A crematory authority may enact reasonable bylaws not inconsistent with this chapter for the management and operation of a crematory operated by such authority. Nothing in this section shall prevent a crematory authority from enacting bylaws which contain more stringent requirements than those provided in the act.

325-A:29 Chapter Construed. This chapter shall be construed and interpreted as a comprehensive cremation law, and the provisions of this chapter shall take precedence over any existing laws or rules that govern human remains that do not specifically address cremation.

Amend the bill by replacing section 4 with the following:

4 Applicability. Crematory authorities, as defined in section 1 of this act, operating crematories on the effective date of this act, which apply for licensure within 60 days after the effective date of this act, shall be presumed to meet requirements for initial licensure under RSA 325-A as inserted by section 1 of this act.

HB 1284-FN-A, increasing the appropriation to the firemen's relief fund. **REFER FOR INTERIM STUDY.**

Rep. Robert Wheeler for Finance: The firemen's community had met to consider this bill but did not conclude on the subject. As a result, the sponsor and the community requested Interim Study and the committee concurred. Vote 21-0.

HB 1740-FN-A, making an appropriation to increase the hourly rate of pay for care providers for persons with developmental and acquired disabilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Elizabeth Hager for Finance: The contents of this bill are now contained in HB 1710-FN-A. Vote 21-0.

HB 1546, establishing a committee to study the application of the patients' bill of rights to all licensed health practitioners and their facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill extends the Patient's Bill of Rights list of health care providers under RSA 332-I:1,II to include pharmacists, mental health professionals and adds office (practice) clinic and health center. This bill also includes office employees or agents working in this setting. The bill outlines a Patient Bill of Rights pertaining to the health care providers listed under RSA 332-I. The Bill of Rights included 5 specific sections dealing with the right to courtesy and respect; right to receive information regarding the benefits, risks and cost of treatment; the right to an extensive and specific treatment plan; the right of the patient to make decisions about their case. Finally, the healthcare provider shall not reveal confidential information without the consent of the individual. The committee unanimously supported the bill as amended. Vote 17-0.

Amendment (0969h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to patient information.

Amend the bill by replacing all after the enacting clause with the following:

I Medical Records; Health Care Provider. Amend RSA 332-I:1, II to read as follows:

II. In this chapter, "health care provider" means any person, corporation, facility, or institution either licensed by this state or otherwise lawfully providing health care services, including, but not limited to, a physician, hospital, *office, clinic, health center* or other health care facility, dentist, nurse, optometrist, *pharmacist*, podiatrist, physical therapist, or ~~[psychologist]~~ *mental health professional*, and any officer, employee, or agent of such provider acting in the course and scope of employment or agency related to or supportive of health care services.

2 Patient Information. RSA 332-I:2 is repealed and reenacted to read as follows:

332-I:2 Patient Information.

I.(a) The patient has the right to courtesy, respect, dignity, responsiveness, and timely attention to his or her needs.

(b) The patient has the right to receive information from the health care provider and to discuss the benefits, risks, and costs of appropriate treatment alternatives.

(c) The patient shall be fully informed by the health care provider of his or her medical condition, health care needs and diagnostic test results, including the manner by which such results will be provided and the expected time interval between testing and receiving results, unless medically inadvisable and so documented in the medical record.

(d) The patient has the right to make decisions regarding the health care that is recommended by the health care provider. Accordingly, patients may accept or refuse any recommended medical treatment and to be involved in experimental research upon the patient's written consent only.

(e) The health care provider shall not reveal confidential communications or information without the consent of the patient, unless provided for by law or by the need to protect the welfare of the individual or the public interest.

II. Facilities subject to RSA 151:21 and RSA 151:21-b shall be exempt from paragraph I.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies the patient information that is to be provided to a patient by a health care provider.

HB 1672-FN, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill deals with an existing critical gap in our system to safeguard adults receiving care in the health and human services system including developmental and mental health services. The gap is the difficulty in identifying persons who have abused individuals in the past if they have not been arrested and convicted of a crime. DCYF has a well-established system to identify abusers who are listed in a registry. This bill will provide the same protection for those agencies providing services to adults. This bill also requires that DHHS write administrative rules including rules to protect the confidentiality of the registry. No one spoke against this bill and it was strongly supported at the public hearing. The amendment was also agreed to by DHHS and the Disability Rights Center. Vote 17-0.

Amendment (1140h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries.

Amend the bill by replacing all after the enacting clause with the following:

1 Elderly and Adult Services; Immunity From Liability. Amend RSA 161-F:47 to read as follows:

161-F:47 Immunity From Liability. Any person or agency, other than an alleged perpetrator, participating in good faith in the making of a report of an alleged incident of adult abuse, neglect or exploitation, providing information relative to such incident or following a reporting protocol developed jointly with the department, *or who in good faith investigates the report, administers the registry, or who participates in a judicial or administrative proceeding resulting from that complaint*, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any person or agency providing information in good faith, including materials requested by the department pursuant to RSA 161-F:56, shall have the same immunity with respect to participation in any investigation by the commissioner or his authorized representative or in any judicial proceeding resulting from such report.

2 Registry for Substantiated Cases of Abuse, Neglect, or Exploitation of Incapacitated Adults. RSA 161-F:49 is repealed and reenacted to read as follows:

161-F:49 Registry.

I. There shall be established a state registry of abuse, neglect, and exploitation reports at the department for the purpose of maintaining a record of information on each case of abuse, neglect, or exploitation toward an individual by a paid caregiver that is substantiated by an investigator. For the purposes of this section:

(a) "Individual" means an individual found eligible for or receiving services pursuant to RSA 171-A, RSA 135-C:13, RSA 135-C:14, or programs licensed under RSA 151:2, I(b), (e), or (f), or who is an "adult," as defined in RSA 161-F:43, I.

(b) The investigators shall be designated or employed by the department, in accordance with a protocol developed by the department to ensure objectivity, thoroughness, timeliness and uniformity in methodology and format in the conduct of investigations and investigation reports. The investigators may include investigators employed by area agencies or community mental health centers, if designated by the department.

II. Within 5 business days of completion of an investigation report in accordance with paragraph I, the investigator shall provide the investigation report to the commissioner, or designee. Except as provided in paragraph IV, for a substantiated report, the commissioner, or designee, shall, within 5 business days, notify the perpetrator:

(a) Of the substantiated finding against him or her and that such information shall be entered on the registry and the consequences of such a finding.

(b) The right to contest the finding by appealing within 10 business days.

(c) The right to receive a full and fair hearing, including the right to be represented by counsel at his or her own expense.

(d) That he or she may petition the probate court to expunge his or her name from the registry pursuant to RSA 161-F:49, VIII.

III. Except as provided in paragraph IV, a substantiated finding of abuse, neglect, or exploitation, and other information the commissioner deems necessary, shall be entered on the registry upon:

(a) Expiration of the 10-day period for appeal when the perpetrator does not request an appeal.

(b) An administrative hearing officer sustaining the finding unless the finding is reversed by a court.

(c) A court sustaining a substantiated finding.

IV. If it is determined by the investigator or after a hearing requested pursuant to subparagraph II(c) that a substantiated finding was caused by factors beyond the control of the perpetrator, then the finding shall not be entered onto the registry as substantiated.

V. All employers of programs which are licensed, certified, or funded by the department to provide services to individuals shall be required before hiring a prospective employee who may have client contact to submit his or her name, for review against the central registry of substantiated reports of abuse, neglect, and exploitation to determine whether the person is on the registry. The employer shall not hire the prospective employee if the person is listed on the registry with a substantiated case of abuse, neglect, or exploitation, unless the employer requests and obtains a waiver from the department to hire such person. The employer, upon receiving of notice that a prospective employee is on the registry and in order to determine whether he or she should request a waiver from the department, may request permission from the prospective employee for the authority to obtain further information about a substantiated case of abuse, neglect, or exploitation. It shall be unlawful for any employer other than those specified under this paragraph to require as a condition of employment that the employee submit his or her name for review against the central registry of substantiated reports of abuse and neglect and any violation of this provision shall be punishable as a violation.

VI. Substantiated reports of abuse and neglect shall be retained for a period of 7 years subject to an individual's right to petition for the earlier removal of his or her name from the central registry as provided in this section.

VII. Any individual whose name is listed in the substantiated reports maintained on the central registry may petition the probate court to have his or her name expunged from the registry as follows:

(a) A petition to expunge shall be filed in the probate court where the petitioner resides or where the abuse, neglect, or exploitation occurred.

(b) A petition to expunge shall be filed on forms provided by the probate courts. The petition shall include certified copies of the petitioner's criminal record and may include any other information the petitioner deems relevant.

(c) When a petition to expunge is filed, the probate court shall require the department to report to the court concerning any additional substantiated abuse and neglect reports relative to the petitioner and shall require that the petitioner submit the petitioner's name, birth date, and address to the state police to obtain information about criminal convictions. The court may require the department to provide any additional information that the court believes may aid it in making a determination on the petition.

(d) Upon the receipt of the department's report, the court may act on the petition without further hearing or may schedule the matter for hearing at the request of either party. If the court determines that the petitioner does not pose a present threat to the safety of adults and has exhibited best efforts to eliminate the likelihood of reoccurrence of the type of behavior that resulted in his or her entry onto the registry, the court shall grant the petition and order the department to remove the individual's name from the central registry. Otherwise, the petition shall be dismissed.

VIII. The department shall, in the notice it sends out pursuant to RSA 161-F:49, II(d), notify the perpetrator of his or her right to petition to have his or her name expunged from the central registry. No petition to expunge shall be brought within one year from the date that the petitioner's name was initially entered on the central registry. If the petition to expunge is denied, no further petition shall be brought more frequently than every 3 years thereafter.

IX. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Setting forth the process and criteria for requesting and granting a waiver pursuant to RSA 161-F:49, V.

(b) Safeguarding the confidentiality of and access to the registry except for the functions necessary to comply with this section. Such safeguards shall include limitations on which persons in an employment situation may request and access the names of persons on the registry.

(c) Requiring the department to notify the employer:

(1) Relative to a prospective employee who is not on the registry of that fact within 5 days of receipt of a request from the employer.

(2) Relative to a prospective employee who is on the registry of that fact within 5 business days of receipt of the request from the employer, including in the notice the date the person was placed on the registry.

3 Task Force Established. There is established a task force to study the need for further improvements in the efficiency, effectiveness, and accessibility of the central registries established pursuant to RSA 161-F:49 and RSA 169-C:35. The task force shall also study the provisions of 42 CFR 488 (c)-(e).

4 Membership and Compensation.

I. The members of the task force shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of health and human services and a member appointed by the commissioner of the department of health and human services, or 2 designees.

(d) The long-term care ombudsman, department of health and human services.

(e) The commissioner of the department of education, or designee.

(f) The attorney general, or designee.

(g) A representative of the Disabilities Rights Center, appointed by the center.

(h) A representative of New Hampshire Legal Assistance, appointed by such office.

(i) A representative of the Community Services Council of New Hampshire, appointed by the council.

(j) A representative of the Behavioral Health Network, Inc., appointed by the network.

(k) A representative of Granite State Independent Living Foundation, appointed by such foundation.

II. The task force shall solicit information from any other person or entity the task force deems relevant to its study.

III. Legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

5 Duties. The task force shall study the need for further improvements in the efficiency, effectiveness, and accessibility of the central registries established pursuant to RSA 161-F:49 and RSA 169-C:35 and shall include in its study an examination of 42 CFR 488(c)-(e). The task force shall determine the need, desirability, and feasibility of merging or combining the registries into one registry or otherwise improving access to and between the registries so that all licensed, certified, and funded programs by the department and the department of education or other local or state programs have greater access to substantiated perpetrator information in and across all systems serving children and incapacitated or vulnerable adults.

6 Chairperson; Quorum. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named house member. The first meeting of the task force shall be held within 45 days of the effective date of this section. Six members of the task force shall constitute a quorum.

7 Report. The task force shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2006.

8 Effective Date.

I. Sections 3-7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effects January 1, 2007.

AMENDED ANALYSIS

This bill requires employers of programs licensed, certified, or funded by the department of health and human services to check the backgrounds of certain prospective employees against the registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults.

This bill also establishes a task force to study central registries.

HB 1718-FN, relative to the provision of medical services at nursing facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill, as amended, requires nursing homes to provide a written statement disclosing all the medical services offered on site; the rates charged by the nursing home and what is included in the rates; and the client's rights in the event of a necessary temporary absence from the nursing facility or discharge (or transfer) to another facility. Vote 17-0.

Amendment (0971h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring a written disclosure statement be provided to prospective nursing home facility clients.

Amend RSA 151:25-a as inserted by section 1 of the bill by replacing it with the following: 151:25-a Nursing Home Facility Statement Required. Any nursing home licensed under this chapter, which offers medical services shall provide a written statement setting forth the following to prospective clients:

I. A specific description of the medical services offered on site.

II. The rates charged by the nursing home and what is included in the rates.

III. The client's rights in the event of a temporary absence from the nursing home facility, in accordance with RSA 151:25, and the client's rights in the event of a proposed transfer or discharge from the facility, in accordance with RSA 151:26.

IV. The circumstances under which a discharge or transfer to another facility may occur, including situations in which the client's needs would exceed what the nursing home could provide, and the responsibility of the nursing home in transitioning the client to another location.

V. A statement affirming that the proposed client has received the nursing home disclosure statement in accordance with this section, that the client has read it or it has been read to the client, and that the client understands its contents.

VI. Any other disclosures or information required by this chapter, if applicable, and any other provisions of state or federal law.

AMENDED ANALYSIS

This bill requires nursing home facilities to provide a written statement of certain disclosures to prospective clients.

CACR 35, relating to an automatic address of judges every 10 years. Providing that all judges shall be reviewed every 10 years by governor and council as if there has been an address for removal of the judge by both houses of the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Bea Francoeur for Judiciary: This bill would create an automatic presumption every ten years that sitting judges in the state of NH would be subject to the constitutional bill of address procedure. In addition, all sitting judges would still be subject to the bill of address procedure by legislative act. Thus by the act of individual legislator, the possibility exists that any number of bills of address could be taking place simultaneously at any given time at great cost to the state and individual judges. The committee believes that such a circumstance would not further the efficiency of justice for the citizens of New Hampshire. There currently exists periodic review of judges by the judicial branch, the results of which are public. Additionally, the legislature can address or impeach a judge. The committee believes these are sufficient safeguards to assure the quality of members of our judiciary. Vote 17-1.

Rep. Coughlin declared a conflict of interest and did not participate.

HB 1116, relative to service of the notice to quit and writ of possession in landlord tenant actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This bill, as amended, clarifies and simplifies the procedure for evictions by changing the name of the "Notice to Quit" to be the less confusing "Eviction Notice." It also directs the district court system to create forms for both the Demand for Rent and Eviction Notice for use by landlords in order to minimize the number of eviction actions dismissed for technical defects that sometimes occur in such documents when prepared by non-lawyers. Finally, it allows for service of the Writ of Summons in a landlord/tenant action by either a local law enforcement officer or the county sheriff. Vote 17-0.

Amendment (0866h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to service of the notice to quit and writ of summons in landlord tenant actions.

Amend RSA 540:5, I as inserted by section 2 of the bill by replacing it with the following:

I. Any notice of a demand for rent or ~~a~~ *an* **eviction** notice ~~[to quit]~~ may be served by any person and may be served upon the tenant personally or left at his *or her* last and usual place of

abode. Proof of service must be shown by a true and attested copy of the notice accompanied by an affidavit of service, but the affidavit need not be sworn under oath. A notice of a demand for rent shall be sufficient if served upon the tenant at any time after the rent becomes due and prior to or simultaneously with the service of ~~[a notice to quit]~~ **an eviction notice.**

Amend the bill by replacing section 3 with the following:

3 Service of Writ of Summons. Amend RSA 540:13, III to read as follows:

III. The writ of summons and the notice provided in paragraph II shall be returnable 7 days from the date of service of the writ by the sheriff **or other local law enforcement officer.** The writ of summons shall provide an opportunity for the landlord, at the landlord's option, to make a claim for an award of unpaid rent. If the landlord elects to make a claim for unpaid rent, the court shall consider any defense, claim, or counterclaim by the tenant which offsets or reduces the amount owed to the plaintiff. If the court finds that the landlord is entitled to possession on the ground of nonpayment of rent, it shall also award the landlord a money judgment. If the court determines that the amount owed by the landlord to the tenant, as a result of set-off or counterclaim exceeds or equals the amount of rent and other lawful charges owed by the tenant to the landlord, judgment in the possessory action shall be granted in favor of the tenant. If the court finds that the tenant's counterclaim exceeds the amount of the nonpayment, a money judgment shall issue in favor of the tenant. Any decision rendered by the court related to a money judgment, shall be limited to a maximum of \$1,500 and shall not preclude either party from making a subsequent claim in a court of competent jurisdiction to recover any additional amounts not covered by the \$1,500 judgment.

AMENDED ANALYSIS

This bill changes the name of the notice to quit to an eviction notice; directs the supreme court to make forms for an eviction notice and demand for rent available on the district court's website; and authorizes any local law enforcement officer to serve a writ of summons.

HB 1234-FN, reducing the maximum amount of debt or damages for small claims actions. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: This bill would reduce the amount of debt or damages for a small claims action from \$5,000 to \$2,500. The committee felt that the small claims courts truly are the people's court. They allow private individuals to seek damages by representing themselves in non-evidentiary proceedings. This bill would increase the cost to plaintiffs by necessitating the need to hire legal counsel for a formal hearing. Plaintiffs would also incur additional court cost, which are not imposed in small claims cases. Vote 13-2.

HB 1254, relative to eminent domain. **REFER FOR INTERIM STUDY.**

Rep. Maureen C. Mooney for Judiciary: The committee received 2 bills this session relative to defining "public use" for the first time in New Hampshire law. After careful consideration, this bill closely resembles SB 287 which recently passed in the Senate 24-0. The committee voted to place this bill into Interim Study and work off of SB 287 to define "public use" and update eminent domain law. Vote 17-0.

HB 1340, relative to references to "United States citizen" in the New Hampshire statutes. **INEXPEDIENT TO LEGISLATE.**

Rep. Gail C. Morrison for Judiciary: The bill changes all statutory references to "United States Citizen" to "American Citizen of the United States." The sponsor believes the language proposed would better describe a citizen's relation to the judicial government. The committee disagreed and determined the language change is unnecessary. Vote 19-0.

HB 1556, relative to the disclosure of certain financial documents filed with the probate court. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Judiciary: This bill is another attempt to protect New Hampshire citizens' financial records from being publicly available. Although the committee would very much want to do more, this legislation unfortunately is not workable. All findings by the court must be publicly available. The committee did consider studying the issue further, but since this bill was a result of a study committee, it was decided that more studying would not find a solution. Vote 17-2.

HB 1560, shortening the enforcement period for a restraining order against one's spouse. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen J. Shurtleff for Judiciary: This bill would shorten the enforcement period of a restraining order against a spouse to three months. The committee believes that the current law is perfectly adequate. This belief was reinforced by testimony from the NH Association of Chiefs of Police, the Attorney General's office, Merrimack County Attorney's office, and domestic violence counselors. Currently, a NH judge can set the period of enforcement for a restraining order not to exceed one year. Upon motion of a defendant, the order can be reviewed at any time during this period. The proposed change in the law would cause an unnecessary burden to the plaintiff and additional work for the court system. Vote 17-2.

HB 1569, relative to trust protectors, trust advisors, and directed trusts. **REFER FOR INTERIM STUDY.**

Rep. John B. Hunt for Judiciary: This bill would create several new kinds of trusts. Given that there is a Senate bill that would also include these and other new forms of trust, the committee decided to keep this bill in committee in case the Senate bill is unsuccessful. Vote 14-2.

HB 1598-FN, relative to publication of the New Hampshire Revised Statutes Annotated. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert H. Rowe for Judiciary: This bill would remove the Supreme Court Case Citation that currently appears in the state's publication of the Revised Statutes Annotated. These citations, when they appear after a law, describe the case and the interpretation of the law or a position of the law to the court. The citations are helpful to parties conducting legal research. Vote 16-0.

HB 1759, relative to liens for labor and materials. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert D. Mead for Judiciary: The sponsor failed to appear at the hearing and no one spoke in favor or against this bill. It appears to be unnecessary legislation which solves no known problems and is not needed at this time. Vote 17-0.

HB 524, relative to outsourcing of jobs. **REFER FOR INTERIM STUDY.**

Rep. Russell D. Bridle for Labor, Industrial and Rehabilitative Services: The committee would like to work on this bill over the next few months. An amendment is being worked on to narrow the scope of the bill. Vote 10-2.

HB 1109, establishing a committee to study the calculation of unemployment benefits. **INEXPEDIENT TO LEGISLATE.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: While the committee understood the sponsors' concerns and desires to study this issue, we believe this task is already performed periodically by the Department of Labor and through the Department Advisory Board. Vote 13-0.

HB 1139, relative to the time required between mandatory shifts or other work periods. **INEXPEDIENT TO LEGISLATE.**

Rep. William J. Infantine for Labor, Industrial and Rehabilitative Services: The committee believes that appropriate rest between shifts is important and that each industry, occupation job, etc. should be dealt with individually. This bill would cover all employees and employees and the committee believes the bill is too broad and may have significant negative effects during emergencies. Vote 12-2.

HB 1543, relative to protections for temporary workers. **REFER FOR INTERIM STUDY.**

Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee unanimously realized the importance of this bill but had several unanswered questions. In an effort to pass responsible legislation the committee and the prime sponsor agreed Interim Study was the best option. Vote 13-0.

HB 1751, relative to penalties for failure to have workers' compensation coverage. **OUGHT TO PASS.**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: Current law only allows the Department of Labor to levy fines when it is made aware that an employer does not have workers compensation coverage. This bill changes the law and allows the Department to levy fines back to a point where it can show when an employer had employees and did not have workers compensation coverage. Vote 12-1.

HB 1752, requiring notice regarding the classifications of employee and independent contractor. **OUGHT TO PASS.**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill requires that, in every workplace, information concerning the classifications of workers as employees or independent contractors be posted as part of the "Know Your Rights" notice. The committee believes it is important that all employees working in the State of New Hampshire be advised of their rights and strongly supported the bill. Vote 12-0.

CACR 42, relating to sessions of the legislature. Providing that the legislature meet biennially and only on weekday nights and weekends. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Legislative Administration: The sponsor's intent was to help more people to be able to serve in public office and to help the public to attend legislative sessions. Unfortunately it does not affect hearings and committee work and one of the reasons we now have annual sessions was because of the many special sessions that were occurring before the constitutional change. Vote 11-0.

HB 1207, establishing a committee to study the creation of a flag to honor all police departments in the state. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Legislative Administration: The sponsor requested that the bill not go forward since the efforts to create the flag are proceeding without the need for the committee. Vote 11-0.

HB 1326, relative to donation of compensation by members of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Legislative Administration: The committee did not see the need for this legislation since anyone can make a donation to help print copies of the constitution. Vote 11-0.

HB 1357, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Legislative Administration: This bill was an attempt to clarify the laws related to the Facilities Committee. The amendment replaces the bill with the same intent to delete obsolete laws and clarifying the committee responsibilities, but removed any new responsibilities. The only real change is that the minority and majority leaders can either serve or now appoint someone to serve for them. The name of the committee will not change. Vote 11-0.

Amendment (1052h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the legislative facilities committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Legislative Facilities Committee; Membership. Amend RSA 17-E:2, III and IV to read as follows:

III. The majority leaders of each house, *or designees*;

IV. The minority leaders of each house, *or designees*;

2 Chairperson; Gender Neutral. Amend RSA 17-E:3 to read as follows:

17-E:3 [Chairman] *Chairperson*. The [chairmanship of] *chairperson* for the committee shall rotate biennially between the president of the senate or [his] designee and the speaker of the house or [his] designee, provided that the speaker shall serve as the first chairman. In the event that the presiding officer or [his] designee serving as [chairman] *chairperson* resigns or for any reason is unable to serve, the other presiding officer or [his] designee shall become [chairman] *chairperson*, provided that such substitution shall not change the rotation hereinabove provided for.

3 Subcommittees; Gender Neutral. Amend RSA 17-E:5 to read as follows:

17-E:5 House and Senate Subcommittees. The house members, with the speaker as [chairman] *chairperson*, shall be a subcommittee for legislative management for the house; and the senate members, with the president as [chairman] *chairperson*, shall be a subcommittee for legislative management of the senate. All transfers within the house or senate appropriations and all salaries of legislative attaches and other employees unless otherwise specifically provided by statute shall require the approval of the respective subcommittee. The salaries as determined hereunder shall be a charge upon the appropriation made for the legislature.

4 New Section; Powers and Duties. Amend RSA 17-E by inserting after section 5 the following new section:

17-E:5-a Powers and Duties. The committee shall have the following powers and duties:

- I. To review and approve all joint legislative budgets.
- II. To appoint the directors or heads of all joint legislative agencies, departments, or offices, and to establish the salary for such positions, except as otherwise provided.
- III. To approve the appointment and compensation recommendations for the employees of the office of legislative services made by the director of that office, and the appointment and compensation recommendations made by the director or head of any other joint legislative agency, department, or office for the employees of those offices, except as otherwise provided.
- IV. To establish a compensation and classification schedule for all employees of joint legislative service agencies, departments, and offices, except the legislative budget assistant and employees of that office. The house subcommittee shall establish salary schedules and benefits for all house employees. The senate subcommittee shall establish salary schedules and benefits for all senate employees.
- V. To enter into contracts and hire consultants.
- VI. To establish rules of procedure for the conduct of the business of the committee in accordance with rules of the house and the senate.
- VII. To conduct its proceedings in compliance with the provisions of RSA 91A.
- VIII. To establish policies regarding the use of the facilities under control of the legislature in the state house, the legislative office building, the Upham Walker house, parking garages and lots, and any future facility that may come under legislative management.
- IX. To perform all actions authorized by statute.
- X. To study ways and means to improve legislative operation, facilities, and working conditions.

5 Committee Records. Amend RSA 17-E:6 to read as follows:

17-E:6 Committee Records. A record of the minutes of committee and subcommittee meetings shall be available to the public and shall be maintained in accordance with the provisions of RSA 91-A:2, II. *The minutes shall include the names of members in attendance and of persons appearing before the committee, and a brief description of the subjects discussed, votes taken, and final dispositions of all actions. The minutes shall be available and open to public inspection within 144 hours of the meeting.* The record of the minutes of the joint committee on legislative facilities and the house and senate subcommittees shall be available at the office of legislative accounting. ~~[The record of the minutes of the house and senate subcommittees shall be available at the office of the clerk of the appropriate chamber.]~~

6 Repeal. The following are repealed:

- I. 1973, 368, relative to establishing a legislative facilities committee.
- II. 1974, 38:23 and 24, relative to the legislative parking facility.
- III. 1975, 308, relative to legislative printing.
- IV. 1975, 430:2, relative to renovating the Old Post Office in Concord.
- V. 1975, 465:1, relative to duties of the legislative facilities committee.
- VI. 1975, 479:4, relative to a legislative parking facility.
- VII. 1975, 491:1 and 2, relative to state house renovations.
- VIII. 1981, 568:79, relative to legislative branch employee fringe benefits.
- IX. 1983, 469:110, relative to the office of legislative accounting.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill states the powers and duties of the legislative facilities committee, allows for designees of the majority and minority leaders appointed to the legislative facilities committee, and clarifies the availability of committee records. The bill also repeals certain historical session laws related to the legislative facilities committee.

HB 1442, relative to identifying legislative enactments as public policy. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Legislative Administration: The committee was very concerned with the chaos that this law would create and questions its constitutionality. New Hampshire is well representative of the people with its 400 member House and does not need referendas. Vote 10-1.

HCR 20, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve. **OUGHT TO PASS.**

Rep. Michael S. Rollo for Legislative Administration: This resolution honors the committee that makes it possible for New Hampshire Guard and Reservists to serve our state and nation without fear of reprisal by their employers if they are away from their jobs for an extended period of time. The committee serves as an ombudsman if the need arises to protect both employee and employer. Vote 9-0.

HR 20, recognizing Mendon McDonald for his service as chairman of the state committee on aging. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Legislative Administration: The sponsor's needs were met with a Proclamation from the Speaker, so the resolution was not necessary. Vote 9-0.

HB 1124, relative to the wording of ballot questions and specifying that a simple majority is required to pass a ballot question, unless a supermajority vote is otherwise required. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for Municipal and County Government: This bill would require that any question seeking an appropriation be worded in a manner that requires a "yes" or a "no." This bill also sought to require only a simple majority vote to pass a ballot question unless the law required a super majority vote. The committee feels that this is a solution looking for a problem. The committee feels that the municipalities are wording their questions in an appropriate manner that allows understanding by their voters. Vote 16-0.

HB 1174, requiring that voters who request a secret ballot be present at the town meeting. **OUGHT TO PASS.**

Rep. Andrew Renzullo for Municipal and County Government: This bill clarifies the RSA's to specify that those requesting a secret ballot at a town meeting must be present at that town meeting. The committee feels this is common sense. Presently the law is silent and could be construed to allow signatures requesting a secret ballot to be collected outside of the meeting. While this may be highly unlikely to occur, the law needs to be made specific to prevent unintended consequences and ambiguity. Vote 15-0.

HB 1196, relative to cost items submitted to the town meeting. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Boyce for Municipal and County Government: In the collective bargaining statute, RSA 273-A, cost items of a multi-year contract need to be addressed in a warrant article in the first year and then may be placed in the operating budget in subsequent years during the period of the contract. This bill mandates placing the cost items every year on the ballot as a special warrant article. Public employee labor relations' statutes require both parties to bargain in good faith. The placement of the cost items in a "special" warrant article may be construed as not bargaining in good faith. The bill also added to RSA 32:3, VI an additional definition of what constitutes a special warrant article. Vote 12-0.

HB 1206, relative to the assessing standards board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G. Stohl for Municipal and County Government: This bill deletes a requirement that the assessing standards board recommend the guidelines for the adequacy of tax maps since RSA 31:95-a already sets the requirements pertaining to tax maps, clarifies that a quorum of the assessing standards board is not required when holding public forums because no decisions are made during these public forums and changes the name of a job category for property assessor trainee to property assessor assistant. The bill, as amended, also requires the assessing standards board to recommend certain guidelines relative to revaluation and to adopt rules relative to the practices and procedures for mass appraisals. These guidelines will give documentation of the analysis of market data, assumptions and calculations used to set property values so that the governing bodies and the taxpayers of the State of New Hampshire will be able to understand the process by which their tax bill was generated. Vote 12-0.

Amendment (0777h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Intent. The general court finds the assessing guidelines developed by the assessing standards board have been an effective tool in measuring the assessing practices throughout the state. In order to ensure fair and equitable assessing practices, the general court recommends

that some requirements regarding documentation are necessary to explain how the values are calculated, what assumptions are used by the assessing community in developing value, and the effect of those assumptions. Documentation of the analysis of market data used to set values are needed by the governing body and the taxpayers in the state of New Hampshire. The general court also finds that documentation, assumptions, and calculations shall be transparent for our citizens and shall be guided by the 2005 Edition of the Uniform Standards of Professional Appraisal Practices, Standard 6. The general court's intent is that a written report of a revaluation or mass appraisal pursuant to Asb 301.10 must clearly communicate the elements, results, opinions, and value conclusions of the appraisal. This Standard 6 will be in effect until administrative rules are adopted by the assessing standards board using USPAP Standard 6. The general court does not intend to affect any existing municipal assessing contracts on file with the department of revenue administration as of the effective date of this act.

2 Powers and Duties of the Assessing Standards Board. Amend 21-J:14-b to read as follows:

21-J:14-b Powers and Duties of the Board.

1. The assessing standards board shall recommend guidelines and appropriate legislation relative to:

(a) Guidelines to be followed by assessors, selectmen, and boards of assessors throughout the state, relating to the administration of the property tax and assessment of real property used in any state property tax system.

(b) The establishment of guidelines for monitoring of local assessment practices by the department of revenue administration [~~guidelines for the adequacy of tax maps and other records;~~] and guidelines for audit by the department of revenue administration of municipalities.

(c) The establishment of guidelines for revaluations by July 1, 2006 based on the 2005 edition of USPAP Standard 6. The department of revenue administration shall in its assessment review process incorporate these guidelines and report its findings to the assessing standards board and the municipality, in accordance with RSA 21-J:11-a, II. These guidelines shall be reported to the assessing standards board for all reviews conducted on or after the April 1, 2006 assessment year. These guidelines shall be incorporated in the assessment review process for all reviews conducted on or after the April 1, 2007 assessment year.

~~(f)~~ (d) The identification of practices which constitute sales-chasing and penalties to be adopted by the legislature regarding such practices.

~~(g)~~ (e) Any study conducted for the purpose of determining the status of assessing practices or the improvement of assessing in the state.

1-a. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The establishment of certification, continuing education, and revocation and suspension standards for assessing officials. The department of revenue administration shall be responsible for the enforcement of those standards.

(b) The forms and procedures necessary to fulfill the duties of the board consistent with board recommendations and to assure a fair opportunity for public comment.

~~(c) [The annual update and publication of an assessing procedures manual for selectmen and boards of assessors]~~ *The establishment of practices and procedures for mass appraisal which shall become standards for assessing officials.*

II. All guidelines and practices developed or identified by the board, pursuant to this section, shall be reviewed and updated annually. The board shall hold a series of at least 3 public forums annually throughout the state to receive general comment through verbal and written testimony on assessing guidelines and practices. *A quorum of the board shall not be required to hold such public forums.*

III. The board, on or before December 1 of each year, shall report its findings and recommendations for proposed legislation to the governor, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, and the state library.

3 Certification of Assessors; Functional Job Category. Amend RSA 21-J:14-f, II(b) to read as follows:

(b) Property assessor [~~trainee~~] *assistant*.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the assessing standards board to recommend certain guidelines relative to revaluations and to adopt rules relative to practices and procedures for mass appraisals.

This bill also deletes a requirement that the assessing standards board recommend guidelines for the adequacy of tax maps and other records; clarifies that a quorum of the assessing standards board is not required when holding public forums throughout the state; and changes the name of a job category for which a person may be certified by the department of revenue administration pursuant to rules adopted by the board.

HB 1253, authorizing contracts and probationary periods for the hiring of appointed police chiefs. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for Municipal and County Government: This bill authorizes a town or city to appoint a police chief pursuant to a contract specifying that employment be for a certain period of time and/or a probationary period. Currently, the governing body may appoint the police chief. This position may continue as long as the office holder maintains good behavior unless sooner removed for cause by the governing body after notice and hearing. This bill seeks to add a provision for the governing body to hire a police chief pursuant to a contract. This contract will need to be signed by the police chief and members of the governing body that specifies that employment be for a certain period of time or subject to a probationary period, or both. The committee heard testimony from several members of the law enforcement community who were opposed to the bill. Much of this testimony highlighted that hiring a police chief through contracts/probation manner could undermine the authority of the chiefs, placing their position subject to the whims of the governing body. Vote 15-0.

HB 1272, relative to the authority of elected police chiefs in towns with populations of more than 3,000. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for Municipal and County Government: This bill expands the authority of elected police chiefs in towns with populations of more than 3000. It sought to give exclusive authority to control all law enforcement services within the police department to the police chief. This included the terms and conditions of employment of subordinate officers and civilian employees. It further directed the selectmen to not interfere with the chief's direct provision of law enforcement duty. The committee feels that the police chief should have control of any and all law enforcement activities within his jurisdiction without interference from the governing body. Currently, selectmen in these municipalities implement general policies for all departments. The selectmen at this time are also responsible for terms and conditions of employment for police officers and all civilian employees. The committee feels that to take away this general authority of the governing bodies would be inappropriate. Vote 15-0.

HB 1282, establishing a committee to study the reasons why the economically disadvantaged are relocating to rural communities. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen G. Prichard for Municipal and County Government: This bill asked for the establishment of a committee to study the reasons why the economically disadvantaged are re-locating to rural communities. The underlying reason seemed to be a way of discovering how to stop poor people from moving to the north country to find social services and low cost housing. While obtaining more information can be helpful, the committee felt enough is known about the problems (results of a current survey were presented to the committee). What is needed now are suggestions for solutions which the legislature can then consider. Vote 12-2.

HB 1301-L, relative to the purchase of conservation, preservation, and agricultural preservation restrictions. **REFER FOR INTERIM STUDY.**

Rep. Nancy K. Johnson for Municipal and County Government: This bill applies to statutes in RSA 331-A:26 which are for governing the New Hampshire Real Estate Practice Act to the agent or agency using public funds for the purchase of conservation, preservation and agricultural preservation restrictions. The reason the committee wants to put this in interim study is it is recognized that there may be ethical abuses surrounding the purchase of the easement restrictions. Vote 14-2.

HB 1320, relative to penalties for planning and zoning violations. **OUGHT TO PASS.**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill sets a fixed dollar amount for the daily fine for the first planning/zoning ordinance violation. The committee agrees with the sponsor that this provides for a non-discretionary fee schedule, whereas the current statute allows a judge to set a civil penalty of his/her choosing for the first offense. This makes the statute more standardized with the second and subsequent offenses already having a fixed dollar amount in the current statute. Vote 16-0.

HB 1330, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments. **OUGHT TO PASS.**

Rep. Eric G. Stohl for Municipal and County Government: The committee heard testimony that most municipalities in New Hampshire adopted flood plain ordinances when there was no statutory authority. This was not done irresponsibly; it was an oversight of the National Flood Insurance Program (NFIP) process. This bill ratifies these previously adopted municipal flood plain ordinances as well as enabling the adoption of flood insurance rate map amendments by a simple resolution of the local governing body. Vote 16-0.

HB 1339, relative to voting procedures for local land use boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for Municipal and County Government: This bill would require any tie vote of a local land use board be declared a vote in favor of the motion. Implementation of this bill would reverse a time honored procedure that a tie vote fails. The applicant has the opportunity to appeal the decision. This bill could lead to mischief making of all sorts. Vote 12-2.

HB 1391, relative to the default budget in official ballot towns. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen G. Prichard for Municipal and County Government: This bill requires a default budget to be reduced by unspent funds and defines certain items to be used in a default budget. Concerns about default budgets that are no lower than the proposed budget are problematic for some. While sympathetic to that concern, the committee believes this particular bill tries to remedy the problem by swapping the local boards' responsibility for a solution and mandating what should be and what should not be in the default budget. It belies the principal of local control. Several administrators directly involved in the process of creating default budgets made it clear that such "micro-managing" of budget making in this way will make the problem worse, not better. What is expended in one year does not necessarily have anything to do with what you have to spend next year. For instance, towns often don't know what "unspent funds" in the warrant budget will be when they are preparing next year's budget. Because the language in this bill is unclear, it would make its application in the wide variety of circumstances now existing in towns and school districts difficult at best and impossible at worst. Vote 11-1.

HB 1392, relative to school budget committee membership. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for Municipal and County Government: This bill requires the additional member in a cooperative school district that has a budget committee to serve as a non-voting liaison between the cooperative school board and the budget committee. The intent of the bill was to remove the ability of the liaison from having two bites of the apple in respect to the budget. Also, the bill increased the deadline for filling a vacancy on a cooperative school budget committee from 5 to 21 days. The committee was concerned that the action of making a non-voting member would create a possible situation that would affect other budget committees where governing bodies are part of the committee. In order to be fair and consistent it would be necessary to review all the different types of budget committees in their formation and composition. Vote 14-2.

HB 1405, relative to the schedule for the adoption, revision, and amendment of municipal charters. **REFER FOR INTERIM STUDY.**

Rep. Robert W. Brundige for Municipal and County Government: Much work has been done pertaining to municipal charters but more needs to be done. An adhoc committee presented our committee with a recommended amendment. Due to time restrictions there was not sufficient time to do justice to the subject. Interim study will give the opportunity to study and present a bill that will improve the procedure for amending, revising and adoption of municipal charters. Vote 13-0.

HB 1430, allowing cities, towns, and counties to adopt an October 1 fiscal year. **INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Boyce for Municipal and County Government: During last year's budget process, a timing issue revolving around when the local school districts were notified of the amount of education funding that would be received was noticed by the sponsors of HB 1430. When the education funding formula was first established, the amount each district would receive was set in the fall and provided to the school districts in time for their budget preparations and spring school district meetings. Since then, the legislature has changed the education funding formula after local school district's budgets had been determined. The sponsors of HB 1430 attempted to address this issue by allowing cities, towns and counties the ability to adopt an October 1 fiscal year. However, the bill does not give school districts the same authority. The bill also raised more questions than it answered. There could be unintended consequences for the counties because of the December 17th required date for

the towns to pay the county portion of their taxes in accordance with RSA 29:11. The committee felt that at this time there is no need for another fiscal year. It would be too financially confusing in the cities, towns and counties and would not address the intent of the sponsors. Vote 14-0.

HB 1441, relative to the procedure for amending a municipal charter. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for Municipal and County Government: Under current law, charter amendments that are initiated by petitioners are approved by the state only after signatures are collected and verified. This bill requires the state to review the petitioner initiated amendment prior to the issuance of petitions, rather than after signatures are collected. The committee understands the merit of HB 1441. However, the committee also would like to take the subject matter of this bill and study it in relation to HB 1405, relative to the schedule for adoption, revision and amendment of Municipal Charters, which the committee is recommending to Interim Study. Vote 14-0.

HB 1449-FN-L, requiring a reduced property assessment when a building is damaged. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary R. Cooney for Municipal and County Government: The premise that property loses value if it is damaged has merit. However, the selectmen or board of assessors can abate property tax if such damage occurs. Problems would occur with town assessment values for the following year. Property valuation is tied to April 1st. If this bill passed it would create a moving target for assessments and valuation which would increase the need for documentation and changing of the assessed values that would increase costs at the local level. Vote 12-0.

HB 1451-FN, requiring a prorated assessment of new construction in the year completed. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: This bill requires that any new construction shall be assessed at its improved value when it is completed and not at the current assessing property tax year. Currently, property is assessed at its market value as of April 1 annually. This bill would require the local assessor to determine the value of the completed structure, and then notify the tax collector within ten days of the new value. The tax collector then shall, within ten days, deliver a supplemental bill based upon the prorated amount. This procedure would add to the workload of the assessor and tax collector of the municipality which would constitute an unfunded mandate. Vote 12-0.

HB 1487, relative to marriage licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen G. Prichard for Municipal and County Government: The original bill removes the three day waiting requirement for a marriage license. When blood tests were required for a marriage license, sufficient time was needed to complete the tests and get the results. Blood tests now are no longer required. Secondly, the bill also makes terms gender neutral when referring to those officiating at weddings. Lastly the original bill required town clerks to determine the sobriety of both the applicants. The bill as amended removes the sobriety determination by the town clerks. Vote 15-2.

Amendment (0788h)

Amend the bill by replacing section 1 with the following:

1 Marriage License. Amend RSA 457:26 to read as follows:

457:26 Marriage License. The town clerk shall deliver to the parties a marriage license embodying the facts required in RSA 457:22, specifying the time when the application was entered, which license shall be delivered to the minister or magistrate who is to officiate, before the marriage is solemnized. The license shall be valid for ~~a period of not less than 3 days and~~ not more than 90 days from the date of filing.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill removes the 3-day waiting requirement for a marriage license. The bill also requires gender neutral references to clergy on marriage license forms.

HB 1508, relative to acceptance of applications by planning boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David L. Buhlman for Municipal and County Government: This bill sets the timeline for applications to planning boards to be vested at the point when the planning board notifies the

abutters regarding a specific application. After that point the application will not be subject to proposed changes in building codes or zoning ordinances. At this time there is confusion as to when plats or applications are considered to be "formally accepted" by a planning board. This proposed point in time balances the needs of applicants and planning boards to permit a predictable process of arriving at a decision. Vote 14-0.

Amendment (0772h)

Amend the bill by replacing section I with the following:

I Building Permits to be Withheld in Certain Cases; Plat or Application Subject of Notice. Amend RSA 676:12, VI to read as follows:

VI. The provisions of paragraph I shall not apply to any plat or application which has been [~~formally accepted~~] **the subject of notice** by the planning board pursuant to RSA 676:4, [~~I(b)~~] **I(d)** prior to the first legal notice of a proposed change in a building code or zoning ordinance or any amendment thereto. No proposed subdivision or site plan review or zoning ordinance or amendment thereto shall affect a plat or application [~~formally accepted~~] **which has been the subject of notice** by the planning board pursuant to RSA 676:4, [~~I(b)~~] **I(d)** so long as said plat or application was [~~accepted~~] **the subject of notice** prior to the first legal notice of said change or amendment.

AMENDED ANALYSIS

This bill exempts plats and applications which have been the subject of notice by the planning board from the moratorium on building permits when changes are proposed in the zoning ordinance or building code for consideration at a town or village district meeting.

HB 1520, requiring certain information in the financial reports of counties. **INEXPEDIENT TO LEGISLATE.**

Rep. Eric Stohl for Municipal and County Government: This bill requires financial reports of counties that are submitted to the department of revenue administration to include capital expenses, operating expenses, and revenues allocated by town. The required information that counties need to provide now is a summary of receipts and expenditures according to uniform classifications. A balance sheet showing assets and liabilities at the close of every year is also required at the present time. The committee feels that the additional requirement to list this information by municipality would require additional work for the counties. Some counties stated that they would have to hire additional personnel and purchase new software to accomplish the data that is required by the bill. The committee feels that this data is available now at the counties to anyone that wishes it. The committee does not believe that this bill is needed. Vote 13-1.

HB 1529, establishing a committee to study the implementation and use of growth management ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert W. Brundige for Municipal and County Government: The intent of this bill was to look at the requirements of growth management ordinances described in RSA 674 and to study the impact of the growth in all its aspects at the local and regional level. Some town growth ordinances seem to be forever while some towns are fulfilling the requirements to update and upgrade the town infrastructure to accommodate growth. At the present time, the Growth and Development Roundtable, consisting of a broad coalition of diverse interests concerning growth and its impact on our quality of life, our economy, our landscape and our ability to afford homes, is meeting to address some of the growth management issues. The sponsor is willing to attend these meetings and to listen to the concerns of the group that may result in another bill in the coming session that will suggest solid solutions. With this energy already being focused within the state, the committee felt that a less formal arrangement is a better solution than a study committee at this time. Vote 12-0.

HB 1614-FN-L, relative to bonding requirements for certain roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Jessie L. Osborne for Municipal and County Government: The committee believes that this bill should be voted inexpedient to legislate because it would allow builders to escape any responsibility by having the subcontractors pay for the bonds. The site review cost per square foot is arbitrary and might not cover the actual costs and there is no definition as to what constitutes a disturbed area. Vote 12-0.

HB 1627, relative to the assessment of open space land. **OUGHT TO PASS.**

Rep. Eric G. Stohl for Municipal and County Government: This bill eliminates the requirement that the valuations of open space land be equalized for the purposes of assessing current use taxes. Equalization brings all property assessments to fair market value within the community, county and state. Current use values are assessed by the category of potential revenue that could be produced from the land. The amount of tax generated from current use properties is significantly less than residential/commercial properties. The workload placed upon the municipalities to equalize current use values is not cost productive. Vote 12-0.

HB 1631-FN-L, relative to property taxation of certain property of the Appalachian Mountain Club. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G. Stohl for Municipal and County Government: The Appalachian Mountain Club (AMC) is a major factor in promoting the protection, enjoyment and wise use of the natural resources of the State of New Hampshire. AMC assists in the search and rescue of hikers in the White Mountains and maintains hiking trails and hut systems within the forests and mountains of New Hampshire. The bill, as originally introduced, provided for taxation of the land and buildings of the Highland Center in the town of Carroll, the Pinkham Notch Center in the unincorporated place of Pinkham's Grant and the Cardigan Lodge in the town of Alexandria operated by the AMC because the bill sponsors believe that some of the facilities may create competition with local lodging and restaurant businesses. To address this concern, the committee recommends that the public policy should be to encourage payment in lieu of taxes. The final amendment that was submitted to the committee for consideration subjected these facilities to certain payments in lieu of taxes (PILOT) to their host municipalities. The committee feels that it is imperative that the AMC and the host municipalities enter into negotiations in good faith so that AMC does not compete with the local business and, if they do so, they should pay their appropriate share of property taxes in the form of a PILOT. The committee further feels that if the parties cannot agree on the amount of the PILOT that either party may file an appeal with the Board of Tax and Land Appeals (BTLA). Vote 14-0.

Amendment (1237h)

Amend the bill by replacing all after the enacting clause with the following:

1 Findings and Intent.

I. The general court recognizes that the Appalachian Mountain Club (AMC) has and continues to be a major factor in promoting the protection, enjoyment, and wise use of the natural resources in the state of New Hampshire. The general court further recognizes that, in addition, the AMC has assisted in the search and rescue of hikers in the White Mountains, and annually undertaken work to maintain and improve hiking trails and hut systems within the forests and mountains of New Hampshire. These core missions of AMC are well recognized to be of significant benefit to the citizens of this state.

II. The general court finds that the AMC is considered an educational, public-service-oriented organization and therefore enjoys property tax-exempt status as a charitable organization pursuant to RSA 72. The general court finds that the AMC also maintains and operates other overnight facilities including the Highland Center in the town of Carroll, the Pinkham's Notch Visitor's Center in the unincorporated place of Pinkham's Grant, and the Cardigan Lodge in the town of Alexandria which serve the scientific, artistic, and educational purposes for which the corporation has been granted an exemption from property taxation. The general court finds that these mixed use activities may be construed to create competition with local businesses. Therefore the public policy is to encourage the payment in lieu of taxes to the host municipality.

2 Certain Property of the Appalachian Mountain Club; Payments in Lieu of Taxes. The Appalachian Mountain Club, regarding its ownership and operation of the Highland Center in the town of Carroll, the Pinkham's Notch Visitor's Center in the unincorporated place of Pinkham's Grant, and the Cardigan Lodge in the town of Alexandria, shall enter into negotiations for a payment in lieu of taxes with the respective governing bodies in which such facilities are located which shall be based on usage of the facility as determined by the parties. The department of revenue administration may assist in determining the usage at the Appalachian Mountain Club's Highland Center, Pinkham's Notch Visitor's Center, and Cardigan Lodge. If the parties cannot agree on the amount of payment in lieu of taxes, either party may file an appeal with the board of tax and land appeals pursuant to RSA 71-B no later than April 15 of the tax year. The board of tax and land appeals shall render a decision on such appeals within 3 months of the date of filing. The decision of the board of tax and land appeals shall be appealable pursuant to RSA 541.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that the land and buildings of 3 facilities operated by the Appalachian Mountain Club be subject to certain payments in lieu of taxes.

HB 1637-FN-L, reducing the rate of the timber tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for Municipal and County Government: This bill reduces the rate of the timber tax from ten percent on the stumpage value at the time of cutting to seven percent. Many communities, especially in the North Country, rely on this tax to supplement their budgets. The intent of the timber tax, also known as yield tax, is just that – a yield tax, due to the fact that property in the State of New Hampshire that has standing timber on it is only assessed for the value of the land itself and the value of the timber is never assessed until it is harvested. Therein lies the term “yield tax.” In a general sense this timber tax/yield tax is paid by the person doing the harvesting, not the landowner. The result of reducing the timber tax will be to increase the property tax rate. Vote 14-0.

HB 1755, establishing a statutory property tax relief commission, and relative to information on property tax bills. **INEXPEDIENT TO LEGISLATE.**

Rep. John P. Dowd for Municipal and County Government: This bill establishes a statutory property tax relief commission to make recommendations on tax exemptions, reverse mortgages and other methods for tax relief. The bill also requires that a reference to a brochure and where to get the brochure is printed on the tax bill or inserted in the tax bill. Many municipalities still use “mailers” that do not allow for any inserts. Also if the municipalities are forced to add additional information, it will require supplements to be mailed, effectively doubling the cost of mailing tax bills, possible creating an unfunded mandate. The Department of Revenue Administration already has brochures available to explain any and all property tax exemptions that could be sent to the municipalities upon request. Therefore, there is no need for this bill. Vote 11-1.

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Franklin T. Tilton for Public Works and Highways: Since 1967, the Commissioner of Transportation has been authorized to reimburse the towns of Colebrook and Stewartstown for the winter maintenance of 4.33 miles of a class III highway, known as Diamond Pond Road, from January 1 until April 1 of each year. The last increase in the rate of payment was in 1985. This bill increases the rate from \$1500 to \$2500 per mile and the amendment provides for future payments to be 102 percent of the previous biennium’s payment. Vote 15-0.

Amendment (0903h)

Amend the bill by replacing section 3 with the following:

3 Future Winter Maintenance Payments by State. For the biennium beginning July 1, 2007 and every biennium thereafter, the Diamond Pond Road maintenance payment calculated for the previous biennium shall be multiplied by 102 percent. The product shall be the payment to the towns of Colebrook and Stewartstown for the next biennium.

AMENDED ANALYSIS

This bill increases the winter maintenance payment to the towns of Colebrook and Stewartstown for maintaining the state road to Diamond Pond from \$1,500 to \$2,500 per mile and provides for future payments to be 102 percent of the previous biennium’s payment. The payment was last increased in 1985.

HB 1223-FN, relative to the use of real estate brokers by the department of transportation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David B. Campbell for Public Works and Highways: The intent of this bill is to allow the Department of Transportation flexibility in the use of real estate professionals (brokers) in the disposition of excess industrial or commercial real estate owned by D.O.T. The current legislation as passed last session, according to the Attorney General’s Office, can be interpreted to require that D.O.T. must use real estate professionals in disposition of all excess D.O.T. industrial and commercial property. This was not the intent of the Public Works Committee when it recommended passage of the original legislation last year. The amendment adds further flexibility and legislative accountability by giving the Long Range Capital Planning and Utilization Committee (which has oversight in the disposition of excess D.O.T. property) the power to require that D.O.T. use real estate professionals in the sale of any particular parcel or parcels. Vote 17-0.

Amendment (0753h)

Amend the bill by replacing section 1 with the following:

I Intent. The intent of this act is to allow the department of transportation to contract with licensed real estate professionals to sell excess commercial and industrial property owned by the department.

Amend RSA 228:31-b, II as inserted by section 2 of the bill by replacing it with the following:

II. The general court hereby declares that ~~[it shall be the policy of]~~ the department of transportation ~~[to]~~ *may* negotiate contracts for professional real estate services on the basis of demonstrated competence and qualifications for the type of professional services required, and at fair and reasonable prices, to sell surplus commercial and industrial property obtained with funds derived from the highway fund or the turnpike fund; *provided that the long range capital planning and utilization committee, established in RSA 17-M, may require the department of transportation to use professional real estate services for the sale of any parcel or parcels of excess commercial or industrial property.*

Amend the bill by inserting after section 2 the following and renumbering the original sections 3 and 4 to read as 4 and 5, respectively:

3 New Subparagraph; New Duty Added. Amend RSA 17-M:2, I(b) by inserting after subparagraph (3) the following new subparagraph:

(4) Have the authority to require that professional real estate services be used for the sale of a certain parcel or parcels of property in accordance with RSA 228:31-b, II.

AMENDED ANALYSIS

This bill allows the department of transportation to use licensed real estate professionals in the sale of certain real estate, and allows the long range capital planning and utilization committee to require that real estate professionals be used for the sale of certain parcels.

HB 1344, relative to a certain highway project in Merrimack. **REFER FOR INTERIM STUDY.** Rep. John A. Graham for Public Works and Highways: The bill as introduced would have dedicated the proceeds from the sale of certain parcels of land to be dedicated to the construction of portions of the Nashua "circumferential highway." The committee feels that any discussion regarding highway or bridge construction, including the sources of funding, should take place in the context of the state's Ten Year Transportation Plan. The prime sponsor of the bill was agreeable to this approach and the issue will be discussed during the public hearings on the Ten Year Highway Plan. Vote 14-0.

HB 1352, relative to the placement of regional electronic toll collection system transponder readers. **INEXPEDIENT TO LEGISLATE.**

Rep. Franklin T. Tilton for Public Works and Highways: This bill would restrict the placement of transponder readers for the regional toll collection system to toll booths. The committee felt that this bill would have deprived the Department of Transportation of a useful tool that could be beneficial in traffic counting and traffic management. The committee strongly encouraged the Department of Transportation to establish a policy for any use of transponder readers at locations other than toll booths and the Department of Transportation agreed to do so. Vote 10-3.

HB 1360-FN-L, relative to law enforcement accounts in the regional electronic toll collection system. **INEXPEDIENT TO LEGISLATE.**

Rep. James W. Danforth for Public Works and Highways: The committee felt that this bill, in allowing all unmarked municipal law enforcement vehicles to be exempt from tolls on the turnpike system, creates too many issues and problems. There is no limit on how many free transponders could be issued to each municipality for law enforcement vehicles. The issue of off duty use and the fact that the transponders are easily transferable makes accountability difficult. Presently, marked and/or unmarked vehicles may pass through the toll plaza free of charge by showing the proper identification. Additionally, the Department of Transportation has no method to renew accounts to insure proper on-going use. The Department of Transportation is constantly working on the evolving E-Z Pass program and as technology improves the department will be in a better position to accommodate these few municipal vehicles. Vote 16-1.

HB 1530, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place. **OUGHT TO PASS.**

Rep. Robert A. Foose for Public Works and Highways: This action, requested by the Supreme Court, honors the memory of Charles Doe (1830-1896), a native of Derry, who served with distinction for thirty-five years on the Supreme Court until his death in 1896. The committee feels that this is totally appropriate. Vote 16-1.

HB 1536, relative to bonds required from persons excavating or disturbing certain highways. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark E. McConkey for Public Works and Highways: Testimony from timberland owners stated that RSA 236:10 does not allow persons or entity's the right to offer cash as an acceptable form of security and they have had difficulty collecting their security after the excavation or disturbance was complete. House Bill 1536 amends RSA 236:10 adding the option of cash as an acceptable form of security and once work is completed, the authority that granted permission shall not arbitrarily withhold funds, but shall make a good faith effort to resolve any difference with the contractor. Timber owners additionally testified that they were having trouble with authorities requiring restoration that exceeded the condition of the roadway prior to their disturbance. RSA 236:11 requires the contractor to restore the highway to the satisfaction of the official empowered to give such written permission. House Bill 1536 amends RSA 236:11 to read that the highway shall be returned to a condition at least equal to the condition that was present before the excavation, or disturbance was initiated. Vote 12-1.

Amendment (1146h)

Amend the bill by replacing all after the enacting clause with the following:

1 Regulations; Bond. Amend RSA 236:10 to read as follows:

236:10 Regulations; Bond. The person *or entity* giving such written permission may make rules and regulations to govern the excavation and restoration of such highway and may require that a bond satisfactory to him *or her* be furnished to the state, city, or town providing for the satisfactory restoration of the highway. *The person or entity providing the bond shall determine the type of bond furnished and it may be in the form of cash, letter of credit from a bank or lending institution licensed in New Hampshire and acceptable to the person giving written permission, or a bond furnished by an insurance company. The person or entity granting permission shall not arbitrarily withhold funds from any cash bond or letter of credit, but shall first make a good faith effort to resolve any differences with the contractor doing the excavation or restoration.*

2 Restoration; Standard. Amend RSA 236:11 to read as follows:

236:11 Restoration. Any person, *entity*, or corporation who excavates or disturbs the shoulders, ditches, embankments, or the surface improved for travel of any ~~[such]~~ highway shall restore such highway to ~~[the satisfaction of the official empowered to give such written permission]~~ *a condition at least equal to the condition that was present before the excavation or disturbance.*

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires persons who excavate or disturb the shoulders, ditches, embankments, or surface of highways to post a bond to return the highway to its prior condition.

HB 1655-FN-A, making rail system development a complement to the Interstate Route 93 highway expansion project. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin K. Waterhouse for Public Works and Highways: The committee understands and respects the motives underlying this bill. We understand the desire for a multi-modal transportation system to serve the needs of one of the fastest growing states in the nation. However, this bill relies on bonding in excess of the states capacity for a project inferior in priority to the Lowell to Nashua to Manchester rail line. This bill, as submitted, does not answer questions as to what operating costs would be subsidized by the state's general fund. It has not been shown that a commuter rail line built with no plan for Massachusetts' cooperation would reduce the need for a four lane addition to I-93. Furthermore, the committee heard testimony that at this time commuter rail is not as flexible as the express bus service that could be provided by paving the "extra lane" in the DOT's plan. Vote 16-0.

HB 1259, relative to the classification of wetlands as contributing or noncontributing. **INEXPEDIENT TO LEGISLATE.**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill would require the department of environmental services to develop criteria for classifying wetlands as contributing or noncontributing and makes noncontributing wetlands exempt from regulation. The majority of testimony opposed the bill for a variety of reasons, including severe costs to develop such a classification system especially as wetlands are not static; the current cooperative application system between the US Army Corps of Engineers and the State of New Hampshire is a streamlined and cost effective program that could be in jeopardy; and the need for SB 140 relative to wetland in-lieu fee program would be virtually eliminated. This bill would essentially allow small "noncontributing" wetlands to be filled without regulation, and there would be more of a negative impact to existing wetlands programs and regulations, than would be gained. Vote 18-0.

HB 1289, relative to Pennichuck Brook and its watershed. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This provides a structure for protecting the water quality of the principal drinking water supply source for Nashua and other municipalities of the region. The Department of Environmental Services (DES), US EPA, and the US water supply profession affirm that source protection is a key component of their preferred approach. Vote 18-0.

Amendment (0973h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Pennichuck Brook and Watershed. Amend RSA 485 by inserting after section 61 the following new subdivision:

Pennichuck Brook and Watershed

485:62 Purpose. The purpose of this subdivision is to protect the purity of water of the Pennichuck Brook pond system, which is the principal drinking water supply source for the city of Nashua and an important water supply source for other municipalities in the region receiving water from the Pennichuck Water Works system.

485:63 Affected Area. This subdivision shall be effective within the Pennichuck Brook watershed above the Supply Pond dam which is located at approximate latitude 42 degrees 47' 30", longitude 71 degrees 28' 29", in the towns of Amherst, Hollis, Merrimack, Milford, and the city of Nashua.

485:64 Definitions. In this subdivision:

I. "Pennichuck Brook ponds" means the series of ponds or impoundments and the connecting waters on Pennichuck Brook beginning with Pennichuck Pond and terminating at the Supply Pond dam.

II. "Pennichuck Water Works" means the owner of the public water system serving the city of Nashua and portions of other towns in the region;

III. "Protected area" means that portion of the area described in RSA 485:63 above which lies:

(a) Within 400 feet of the reference line of the Pennichuck Brook ponds;

(b) Within 200 feet of the reference line of any stream or other water body tributary to said ponds visible on the version of the U. S. Geological Survey 7 ½ minute topographic maps current in 2006, except for intermittent streams depicted with a broken line; or

(c) Within 100 feet of any intermittent tributary visible on the version of the U. S. Geological Survey 7 ½ minute topographic maps current in 2006, or any wetland adjacent to the Pennichuck Brook ponds or other water body tributary to said ponds.

IV. "Reference line" means "reference line" as defined in RSA 483-B:4, XVII.

V. "Restricted area" means that portion of the protected area which is a wetland or lies within 100 feet of the reference line of the Pennichuck Brook ponds or any stream or other water body tributary to said ponds.

VI. "Wetland" means "wetland" as defined in RSA 482-A:2, X.

485:65 Prohibited Activities. No person shall:

I. Alter the terrain, build, or expand any structure or pavement, or any septic system, cesspool, privy, or other device for the reception, storage, or discharge of domestic sewage, other than a structure necessary for the operation of the water works within the restricted area.

II. Allow any wastewater, sink drainage, excrement, or water that has been used for washing or cleansing materials, persons, or food, to run into any of the Pennichuck Brook ponds or their tributaries, or into any excavation or cesspool in the ground or onto the surface of any ground within the restricted area.

III. Deposit any substance which is subject to decay, including any dead animal or fish or parts thereof, food or food waste, or any waste, into the waters of or upon the ice of the Pennichuck Brook ponds or their tributaries or in the restricted area.

IV. Place or leave within the protected area any hazardous waste, as defined in RSA 147-A.

V. Place or leave within the protected area any solid waste as defined in RSA 149-M.

VI. Place or leave within the protected area any chemical waste or regulated contaminant as defined in RSA 485-C:2, XIII.

VII. Store on the ground any bulk fertilizer, compost, or manure within the protected area. This paragraph shall not prohibit outdoor storage of such items where protections approved by the department of agriculture, markets, and food to prevent leaching into the soil are used.

VIII. Place or use any boat, floating device, or recreational equipment on the Pennichuck Brook ponds below Holt Pond Dam, located at Thornton Road in the city of Nashua and the town of Merrimack.

IX. Bathe, swim, or wade in the Pennichuck Brook ponds.

X. Place or use a boat, floating device, or other equipment powered by petroleum products on the Pennichuck Brook ponds.

XI. Permit or take any action of any kind which may endanger the purity of the Pennichuck Brook ponds.

XII. Apply pesticides or herbicides as defined in RSA 430:29 within the area under RSA 485:63, other than in strict conformance with the rules of the New Hampshire pesticide control board.

XIII. Apply fertilizer, manure, or compost to the land in the affected area under RSA 485:63, other than in strict conformance with Manual of Best Management Practices for Agriculture in New Hampshire, reprinted May 2001, or any subsequent best management practices identified and published by the commissioner of agriculture, markets, and food under RSA 431:34.

485:66 Exemptions. RSA 485:65 shall not apply to:

I. Employees of Pennichuck Water Works or their designees engaged in the performance of necessary duties for studying, monitoring, protecting, and controlling said stream and ponds.

II. The establishment and maintenance of trails and other facilities for passive recreational uses.

III. The establishment and maintenance of facilities for the operation of the water works.

IV. Timber harvesting activities conducted in strict accordance with state of New Hampshire laws including RSA 227-J and the January 2001 edition of "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire," by department of resources and economic development, division of forests and lands or any subsequent edition of the same manual or another manual adopted for the same purpose by the division of forests and lands.

V. Agricultural operations operating in compliance with the Manual of Best Management Practices for New Hampshire, reprinted May 2001, or any subsequent best management practices identified and published by the commissioner of agriculture, markets, and food, under RSA 431:34.

485:67 Development Restrictions.

I.(a) Development in the entire protected area shall be subject to the minimum shoreland protection standards that normally apply within the 250-foot protected shoreland and the natural woodland buffer requirement that normally applies within 150 feet of the reference line provided for in RSA 483-B:9.

(b) In determining whether a natural woodland buffer is "existing" in the sense of RSA 483-B:9, V(a)(1), the department shall determine whether said buffer existed as of the effective date of this subdivision.

II. The following shall apply to any activity requiring local subdivision approval or site plan approval that will result in impervious cover of more than 15 percent of the lots involved within the area described in RSA 485:63:

(a) Infiltration of stormwater from a 2-year, 24-hour storm event post-development shall equal or exceed infiltration from the 2-year, 24-hour storm event pre-development.

(b) A stormwater management system shall be designed to comply with rules adopted by the department and to remove 80 percent of the average annual load of total suspended solids, grease, oil, and floatables in the runoff leaving the site after the site is developed.

(c) A stormwater management system shall have an operation and maintenance plan to ensure that the system continues to function as designed.

(d) The owner of the land on which the stormwater management system is located shall operate and maintain the system according to the plan required in subparagraph (c).

(e) The owner of the land on which such activity is proposed to take place shall provide a copy of all submissions required by the local planning board to Pennichuck Water Works, Nashua Regional Planning Commission, Pennichuck Brook Watershed Council, and the planning boards of the municipalities named in RSA 485:63, at the same time such submissions are provided to the local planning board, to enable all parties to determine whether the proposed activity will comply with the standards in this paragraph.

485:68 Nonconforming Uses. An existing nonconforming land use within the protected area shall be governed by the following:

I. A nonconforming land use existing as of the effective date of this subdivision may be continued, subject to the following:

(a) On lawns or areas with grass, no fertilizers may be used except those used in accordance with the department of agriculture, markets, and food's best management practices under RSA 431:34.

(b) The department shall require the use of best management practices if the department determines they are needed to restore or protect water quality.

(c) Existing agricultural operations operating in compliance with the Manual of Best Management Practices for Agriculture in New Hampshire, reprinted May 2001, or any subsequent best management practices identified and published by the commissioner of agriculture, markets, and food pursuant to RSA 431:34, shall be exempt from the restrictions in subparagraph (a).

II. If a change in use, including a change from seasonal to year-round use or an increase in the intensity of a land use to such an extent that the nature or magnitude of its impact on water quality can be expected to increase, occurs or is proposed, all of the requirements of this subdivision shall apply.

III. If an existing nonconforming use is discontinued for 2 consecutive years, all the requirements of this subdivision shall apply.

485:69 Notice. The Pennichuck Water Works shall provide to the public a summary of the prohibitions listed below by:

I. Posting notice at all locations identified by the department where persons might reasonably be expected to access the Pennichuck Brook ponds or their tributaries.

II. Publishing notice annually in a newspaper of general circulation in the areas affected by said provisions.

III. Providing a copy of this section annually to the planning board and conservation commission of each municipality listed in RSA 485:63.

485:70 Enforcement. In accordance with the provisions of RSA 485:24, the department shall designate the health officers and the boards of health of the city of Nashua and the towns of Amherst, Hollis, Merrimack, and Milford and their duly authorized agents as agents of the department for the enforcement of this section in cooperation with the department.

485:71 Penalty. Any person violating this subdivision shall, in accordance with RSA 485:26, be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

485:72 Effect on Local Ordinances. Nothing in this chapter shall be deemed to preempt the authority of the municipalities in the affected area, under other statutes, to enact local ordinances or regulations protecting Pennichuck Brook and its watershed; provided, however, that requirements imposed under this subdivision shall be considered as minimum.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill codifies certain proposed rules of the department of environmental services to protect the purity of Pennichuck Brook and its watershed.

HB 1315, relative to the definition and classification of dams. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Ellen Martin for Resources, Recreation and Development: This bill clarifies the definition and hazard classification of a dam. The current ABC designation does not tell you which is best or worst. We now classify each as low, significant or high level of hazard potential. It also exempts certain storm water detention areas from being defined as a dam. Vote 17-0.

Amendment (0935h)

Amend RSA 482:2, II(a) as inserted by section 2 of the bill by replacing it with the following:

II.(a) "Dam" means any artificial barrier, including appurtenant works, which impounds or diverts water, and which has a height of 4 feet or more, or a storage capacity of 2 acre-feet or more,

or is located at the outlet of a great pond. A roadway culvert shall not be considered a dam if its invert is at the natural bed of the water course, it has adequate discharge capacity, and it does not impound water under normal circumstances. Artificial barriers which create surface impoundments for liquid industrial or liquid commercial wastes, *septage*, or [municipal] sewage, regardless of height or storage capacity, shall be considered dams.

HB 1317, relative to the eradication of exotic aquatic weeds. OUGHT TO PASS WITH AMENDMENT.

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill was initiated by the Exotic Aquatic Weeds Committee which was established as a clearing house and legislative focus for addressing invasive species in state waters. During the past couple of years, an integrated approach that includes hand-pulling, barriers, monitoring, mapping and targeted herbicide application has yielded significant success. The experience of a treatment for variable milfoil to Lower Suncook Lake two seasons ago has even raised the possibility of eradication. If this possibility is to be fulfilled, however, it was clear that a more flexible and straight-forward aquatic herbicide application process was necessary. The original bill changed primary oversight of aquatic herbicide application from the Department of Agriculture to the Department of Environmental Services. The amendment eliminates this change, but instead requires the four departments that have oversight (including Fish and Game and DRED) to prepare a report to be submitted to the Exotic Aquatic Weeds Committee that evaluates the current permitting process for aquatic herbicide applications and offers suggestions for improvements. Vote 17-0.

Amendment (0933h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.

Amend the bill by replacing all after the enacting clause with the following:

1 Control of Exotic Aquatic Weeds. Amend RSA 487:17, II(b) to read as follows:

(b) Control [small new] infestations of exotic aquatic weeds, according to the following criteria:

(1) [~~The waterbody had been free, within the previous 5 years, of the exotic aquatic weed to be treated.~~

(2) ~~The infestation is not widespread in the waterbody, and]~~ The department shall have determined that the exotic aquatic weed can in fact be controlled in the waterbody.

[3)] (2) The most environmentally sound treatment technique relative to the specific infestation will be used, which also meets the requirements of state rules, including rules adopted under RSA 430.

2 Report Required.

I. The department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development shall prepare a report that evaluates the current permitting process for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and makes recommendations to improve that permitting process. The report shall be prepared in consultation with appropriate stakeholders, including licensed aquatic applicators, lake associations, environmental protection groups, and others interested in critiquing and improving the current special permitting process for aquatic herbicide applications. The report shall include identification and analysis of potential improvements to the current permitting process that would support and enhance integrated pest management practices and not increase risk to public health or the environment or violate federal regulations including:

(a) Improvements related to creating a more flexible permitting process including consideration of changes to allow for the use of certain pesticides, weather-related delays, locational changes, and addressing the need for follow-up pesticide treatments while also providing appropriate notification and protection of water users;

(b) Changes that would allow for a reduction in the time it takes to obtain a special permit to apply pesticides to control or eradicate exotic aquatic weeds including but not limited to inter-agency communication and notification requirements;

(c) Changes that may be appropriate for new infestations or the use of integrated pest management approaches.

II. The department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development shall report their findings and any recommendations for proposed rules changes or legislation, or both, to the exotic aquatic weeds and species committee, established under RSA 487:30, by September 30, 2006. Interim progress reports may be requested by the committee.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes certain criteria for the control of exotic aquatic weeds and requires a report from the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development that evaluates the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and makes recommendations to improve the process. These recommendations for rules change or legislation, or both, will be reported to the exotic weeds and species committee.

HB 1395, relative to public drinking water protection. **REFER FOR INTERIM STUDY.**

Rep. Richard T. Cooney for Resources, Recreation and Development: This bill, and various proposed amendments, has the intent of protecting our drinking water. The committee agrees with intent but had several problems with the language of the bill and proposed amendments and felt more study was needed. Vote 17-0.

HB 1446, establishing requirements for the development of a regional all terrain vehicle (ATV) park in the city of Berlin. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: New Hampshire's newest and third largest park will be developed to accommodate New England wide ATV use. It will also include the current uses of Jericho Lake, snowmobiling cross country skiing and hiking. The committee felt that a management plan for the park should be developed and presented to the public and the legislature before the park is formally opened. This would include financial plans and memoranda of understanding for enforcement and emergency services. The Department of Resources and Economic Development (DRED) has agreed that the plan can be readily prepared and presented to the public by the time the park opens. The bill also calls for DRED to present a progress report to the legislature to pull together data gathered but not assembled in a comprehensive report. Vote 17-0.

Amendment (0022h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring the department of resources and economic development to prepare and submit a management and financial plan to the general court and the public prior to the opening of the Berlin regional ATV park.

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Off Highway Recreational Vehicles; State Park in Berlin. Amend RSA 215A by inserting after section 44 the following new subdivision:

Park Management Plan

215-A:45 State Park in Berlin; Park Management and Financial Plan.

I. Prior to the formal opening of the park in the city of Berlin to ATV use, the commissioner of the department of resources and economic development shall develop a management and financial plan and shall present the plan to the public and the general court. The plan shall include, but not be limited to:

(a) Existing land uses, including acreage, park boundaries, trails, facilities, recreational areas, and natural areas.

(b) Proposed park land uses, including extent and location of trails by user type, facilities for visitors and park management, non-trail recreational resources, natural areas and their management, and buffer areas.

(c) Proposed improvements and estimated phasing schedule, including improvements to be made prior to opening of the park.

(d) Provisions for enforcement of OHRV regulations and for emergency response, including memoranda of understanding with state agencies, municipalities, and other groups.

(e) A financial plan, including proposed expenditures and sources of revenues.

II. In accordance with RSA 215-A:41, II(f), the plan shall be presented at a public hearing advertised in a newspaper of statewide circulation. Prior to this hearing, the plan shall be presented to appropriate legislative committees and to the governor.

III. An annual report shall be presented to the speaker of the house of representatives, the senate president, the house resources, recreation and development committee, the senate environment and wildlife committee, and the governor by January 15 of each year. The report shall include:

(a) Development completed within the park.

(b) Projected development for the coming year.

(c) A financial report on revenues and expenditures for the past year and projections for the next 5 years.

(d) The number of visitors and report of enforcement and emergency activity in the park.

(e) Marketing of the park.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of the department of resources and economic development, prior to the formal opening of the park in the city of Berlin to ATV use, to develop a management and financial plan and to present the plan to the public and the general court.

HB 1462-FN-L, placing a temporary moratorium on the issue of certain water permits. **INEXPEDIENT TO LEGISLATE.**

Rep. David H. Russell for Resources, Recreation and Development: This bill would have established a temporary moratorium on some groundwater withdrawals. At the Public Hearing, no testimony was given to indicate that our groundwater supply is in jeopardy. The Department of Environmental Services (DES) testified that there have been no issues indicating the need for a moratorium to date. A similar bill, SB 326, was unanimously voted ITL by the Senate last week. Finally, there is a groundwater commission established by SB 155, Chapter 305, Laws of 2003 which shall report its findings annually, with a final report due November 2008. The committee felt that this commission is better prepared to make the proper decision. Vote 17-0.

HB 1463-FN, relative to boating and water safety. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: The sponsors of HB 1463-FN did an admirable job incorporating several suggestions for boating safety that were gleaned from last summer's hearings. The amendment removed a couple of impractical sections and reworked the section on safe boater education. In its amended form, the bill requires for the passage of a safe boater education course the completion of a proctored examination with a passing grade of 80% or more. This is a change from the on-line option with a passing grade of 70%. In addition, this bill: 1) requires kayaks, rowboats, canoes and similar vessels to carry a safety signaling device, such as a distress flag or whistle under most circumstances; 2) stipulates that a flag be displayed when a person towed on water skis, aquaplane or similar device has fallen; and 3) prohibits the display of any lights on shore visible from the water that resemble required navigation lights. Vote 16-0.

Amendment (1166h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Operation of Boats; Safety Signaling Device Required. Amend RSA 270 by inserting after section 30-c the following new section:

270:30-d Safety Signaling Device Required. Except for those bodies of water where petroleum-powered vessels are prohibited, any person operating a kayak, rowboat, canoe, or any similar vessel not displaying sails more than 150 feet from shore shall carry, in a readily accessible place, a safety signaling device, such as a distress flag or whistle. This section shall not apply to a vessel operated in a water event permitted under RSA 270-D:4. Any person violating this section shall be guilty of a violation.

2 Motorboats Towing Water Skiers and Aquaplanes; Flag Required. Amend RSA 270-D:3, I to read as follows:

I. No person shall operate a motorboat while towing water skiers, aquaplanes, or similar devices unless another person is present in the motorboat who is physically able to observe and assist the person or appurtenance being towed. The observer shall be 13 years of age or older. *The observer shall display a flag when the person being towed has fallen.*

3 New Section; Boating and Water Safety; Shore Lights. Amend RSA 270-D by inserting after section 7 the following new section:

270-D:7-a Shore Lights. No person shall display, at any point on the shore visible from the water, any lights that resemble in color or configuration the required navigation lights of any vessel.

4 Safe Boater Education Course; Examination. Amend RSA 270-D:13, I(a) to read as follows:

(a) Passes a safe boater education course approved by the commissioner in accordance with the criteria of the National Association of State Boating Law Administration. *[The] A classroom course shall provide a minimum of 8 hours of instruction. Passage of a safe boater education course shall require successful completion of a proctored examination administered by a person authorized by the commissioner in accordance with rules adopted by the commissioner.* The minimum passing grade for the ~~[course]~~ examination shall be ~~[70]~~ 80 percent; or

5 Boat Safety Course. Amend RSA 270:46-a, II-III to read as follows:

II. Any person who pays such penalty and who, within 6 months of conviction, completes at such person's own expense a boat safety *classroom* course as specified in rules adopted, under RSA 541-A, by the director of safety services shall have his or her \$200 refunded to him or her from the navigation safety fund by the director.

III. In addition to any other penalty imposed, any person who is convicted of violating any of the following boating laws or rules of the division of safety services, and who has not already successfully completed an approved boating safety course shall complete a boat safety *classroom* course, at that person's own expense, within 6 months of conviction. Any person who fails to complete the boat safety *classroom* course within 6 months may be prevented from reregistering the boat:

- (a) Laws or rules relative to speed limit, safe passage, or personal flotation devices.
- (b) RSA 270:37, decibel limits on noise.

6 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill:

- I. Establishes safety display requirements for certain vessels.
- II. Prohibits the display of shore lights that resemble navigation lights.
- III. Establishes examination requirements for safe boater education courses.

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald A. Brueggemann for Resources, Recreation and Development: This bill establishes a commission to study the publicly owned wastewater treatment plant needs of New Hampshire. This study is particularly timely since many of these facilities will be encountering their own limitations due to age and capacity even as population increases and more stringent environmental standards will demand more. The amendment adds two representatives appointed by the New Hampshire Water Pollution Control Association and changes the report date to November 30, 2007. Vote 17-0.

Amendment (1154h)

Amend paragraph 1 of section 2 of the bill by inserting after subparagraphs (f) the following new subparagraph:

(g) Two representatives from publicly owned treatment facilities/works, appointed by the New Hampshire Water Pollution Control Association.

Amend the bill by replacing section 5 with the following:

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2007.

HB 1493, declaring that groundwater is part of the public trust. **REFER FOR INTERIM STUDY.** Rep. Mary Ellen Martin for Resources, Recreation and Development: This one-line bill will put squarely in statute a principle that has run through numerous passages of RSA's and rules: that

the state has the right and obligation to protect groundwater for the public interest. This does not interfere with the reasonable use by private land owners of water under their land. It would duplicate provisions in the statutes that state that New Hampshire surface waters are part of the public trust. The committee wanted to retain the bill to study its legal intricacies. Vote 17-1.

HB 1686-FN, relative to the allocation of certain off highway recreational vehicle fees. **INEXPEDIENT TO LEGISLATE.**

Rep. Harry C. Merrow for Resources, Recreation and Development: This would increase fees for ATV registration and rearrange the appropriations to give Fish and Game more money for enforcement. Fish and Game was asked several times to present a plan to the committee on how the money would be spent. None came forth so the committee is recommending that the bill be voted ITL. Vote 16-0.

HB 1568, establishing a committee to study the siting and construction of industrial wind energy facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sam A. Cataldo for Science, Technology and Energy: This bill establishes a committee to study the siting and construction of industrial wind energy facilities (windmills). The committee learned that several siting proposals are now under consideration for large electric energy wind-mill projects in the state. Although we amended the bill to reflect the existing energy facility evaluations (RSA 162-H: 1), we agreed with the sponsors that it was in the state's interests to study the unique aspects and options for these new wind projects. Vote 15-0.

Amendment (0948h)

Amend the title of the bill by replacing it with the following:

ACT establishing a committee to study the siting and construction of commercial wind energy facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the siting and construction of commercial wind energy facilities.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study:

I. The federal, state, and local regulatory processes for the siting and construction of commercial wind energy facilities, including the applicability of the site evaluation committee certification process under RSA 162-H, consistent with the findings and purposes set forth in RSA 162-H:1.

II. The economic, environmental, and visual effects that such facilities would have.

III. The effect such facilities would have on the provision of electricity to New Hampshire customers.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before December 1, 2006.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the siting and construction of commercial wind energy facilities.

HB 1758, classifying biodeisel as a renewable energy source. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Theberge for Science, Technology and Energy: This bill, as amended, clarifies the definition of biodeisel fuel as a renewable energy source for the use as a substitute for petroleum

based diesel fuel. The bill further amends the following affected Revised Statutes Annotated: RSA 362-A:1-a,X; RSA 374-F:3,V (f)(3); RSA 362-A:1-a, I; and RSA 374-D:1,IV. The bill in addition requires that biodiesel fuel meet the requirements of the American Society for Testing and Materials (ASTM) specification D 6751. Vote 15-0.

Amendment (0733h)

Amend RSA 362-A:1-a, I as inserted by section 1 of the bill by replacing it with the following:

1. *"Biodiesel" means a renewable diesel fuel substitute that is composed of mono-alkyl esters of long chain fatty acids, is derived from vegetable oils or animal fats, meets the requirements of the American Society for Testing and Materials (ASTM) specification D6751, and is commonly blended with petroleum-based diesel fuel.*

Amend the bill by replacing section 3 with the following:

3 Renewable Energy; Biodiesel Added. Amend RSA 374-F:3, V(f)(3) to read as follows:

(3) For purposes of subparagraph (f), "renewable energy" means geothermal energy, tidal or wave energy, wind energy, solar thermal energy, photovoltaic energy, landfill gas energy, hydro energy, biomass energy, *energy derived from biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel*, or combusted municipal waste energy where mercury emissions are reduced to an emission rate of 0.028 milligrams per dry standard cubic meter or less corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency. Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 8:

5 Multiple Pollutant Reduction Program; Renewable Energy. Amend RSA 125-O:2, VIII to read as follows:

VIII. "Renewable energy" means energy derived from hydro, geothermal, wind, solar thermal, photovoltaic, biomass, *biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel*, methane waste, tidal, or other source approved by the department.

6 Business Finance Authority Revenue Bonds; Small Scale Power Facility. Amend RSA 162-1:2, X-a to read as follows:

X-a. "Small scale power facility" shall be an eligible facility and means any facility which is suitable for producing electric energy from biomass, *biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel*, waste, geothermal energy, or renewable resources including, but not limited to, the flow of water, and which has a rated capacity of not more than 80 megawatts, or any facility that is used to produce, collect, generate, transmit, store, distribute, or convey electric energy or gas and is part of a system providing service to the general populace of one or more communities or municipalities, but in no event more than 2 contiguous counties.

7 Municipal Small Scale Power Facility Bonds; Facility. Amend RSA 374-D:1, IV to read as follows:

IV. "Small scale power facility" or "facility" means a facility which produces electrical energy solely by the use, as a primary energy source, of biomass, *biodiesel as defined in RSA 362-A:1-a, I, excluding any petroleum diesel component of the fuel*, waste, geothermal energy, renewable resources including but not limited to the flow of water, or any combination thereof and which has a rated capacity of not more than 80 megawatts. Such facility shall include all other equipment and structures designed to generate, distribute, and transmit electrical energy either to or from such facility.

HJR 26, urging Congress to reevaluate Title IX. INEXPEDIENT TO LEGISLATE.

Rep. Russell A. Albert for State-Federal Relations and Veterans Affairs: The committee felt that it is just good governance to have a in-depth review of all legislation such as special education and Title IX every 10 to 15 years to insure the original intent is being accomplished and to enhance the positive effect with removing or correcting negative parts. However, this bill only addresses the impact on male sports, thus overlooking Title IX legislation as a whole. Over all, Title IX has had a positive impact on the education experiences of women in general. Today we have women participating in sports that were closed to them. More women graduate from college than men, more women take part in the political process, more women are now in business and community leaders. Much of the credit goes to Title IX. Vote 10-0.

HB 1260, relative to informing first-time driver's license applicants of the controlled drug laws, and prohibiting the issuance of a youth operator's license to controlled drug violators. OUGHT TO PASS WITH AMENDMENT.

Rep. Brenda L. Ferland for Transportation: This bill, upon passage, will inform first time driver license applicants of controlled drug laws along with the driving while intoxicated laws. The law

will say it is unlawful for any person to manufacture, possess, have under his or her control, sell, purchase, prescribe, administer or transport or possess with intent to sell, dispense, or compound any controlled substance, except as authorized by law. The prime sponsor wanted the bill to read the director shall not issue a license to any applicant 16 years of age or older and under 21 years of age who has been convicted of any offense involving a controlled substance during the one year preceding the application. The committee felt the punishment part should be the same as driving under the influence. This bill and two other bills dealing with the same issue were considered and therefore the bill was amended to read the same as driving while under the influence. Vote 10-0.

Amendment (0733h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to informing first-time driver's license applicants of the controlled drug laws. Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill requires the department of safety to inform first-time driver's license applicants of the controlled drug laws.

HB 1353, relative to addresses on motor vehicle registrations. **REFER FOR INTERIM STUDY.** Rep. Brenda L. Ferland for Transportation: This bill would establish requirements for vehicle registration by persons without a permanent street address. The committee agreed that there is a problem with people who sell their homes and live in a motor home. They do not have a permanent street address. The language of the bill was objected to by the Town Clerks' Association and therefore the committee would like the chance to come up with language that will solve the problems. Vote 12-0.

HB 1356, relative to on-board diagnostic system inspections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherman A. Packard for Transportation: This bill, as introduced, had three sections. The first would require all inspection stations to post the price that they charge for safety inspections and the price for OBD II testing. The committee agrees with this section. The second section would eliminate three counties from having to do OBD II testing. If this section were to pass, it would violate our agreement with EPA. The committee felt that it was unfair to single out only three counties for elimination. The third part would continue to allow inspection stations that do less than 200 inspections a year not to participate in the Gordon Darby Program. This is an issue that the Advisory Committee will address. The committee amendment eliminates the second and third sections of the bill. Vote 12-0.

Amendment (0734h)

Amend the bill by deleting sections 2 and 3 and renumbering the original section 4 to read as 2.

AMENDED ANALYSIS

This bill requires that OBD II fees be charged separately from vehicle inspection fees.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brenda L. Ferland for Transportation: Any person under 21 years of age who is involved in the sale, possession, use, or abuse of alcohol or controlled drugs may at the discretion of the court be subject to revocation or denial of a drivers' license. The amended language adds for not less than 90 days but not more than one year on the first finding or conviction. The director, upon receipt of notification from the court, shall issue a formal order of suspension or denial of an application. Nothing in this amendment prevents the court from requiring any person to successfully complete any abuse education. Vote 10-0.

Amendment (0735h)

Amend the bill by replacing section 1 with the following:

1 Revocation or Denial for Drugs or Alcohol Involvement. Amend RSA 263:56-b to read as follows:

263:56-b Revocation or Denial for Drugs or Alcohol Involvement.

1. Any person who is not yet 21 years of age on the date of the incident, who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D,

for any offense involving the sale, possession, use, or abuse of alcohol or of controlled drugs as defined in RSA 318-B:1, VI, or of a controlled drug analog as defined under RSA 318-B:1, VI-a, may at the discretion of the court be subject to the revocation or denial of a driver's license or privilege to drive ~~[as provided in this section.]~~ *for not less than 90 days but not more than one year on the first finding or conviction under this paragraph, and not less than 6 months but not more than 2 years for a subsequent finding or conviction. Nothing in this section shall prevent the court from requiring any person subject to its provisions from successfully completing any alcohol or substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.* Notwithstanding RSA 169-B:35 or any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this section has occurred involving a person who meets the age limits specified in this section shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

II. The director shall, *unless otherwise ordered by the court*, revoke the driver's license or privilege to drive or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing *to determine that the person is the individual who was convicted of the offense and against whom the court order applies.* In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

III. Any person who is ~~[15 years of age or older and]~~ not yet 18 years of age on the date of the incident, and who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for the offense of *sale or* possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, shall be subject to revocation or denial of a driver's license or privilege to drive for a mandatory period of at least one year and a maximum period of up to 5 years. In the case of denial of an application for a license under this section, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV. The driver's license ~~[or privilege to drive]~~ of any person who is 18 years of age or older on the date of the incident, and who is convicted of the offense of *sale or* possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, may be revoked, at the discretion of the court, for any period of time, including for life. ~~[Any person convicted of such offense may be denied a driver's license or privilege to drive at the discretion of the court, for any period of time, including for life.]~~ The court of relevant jurisdiction shall have the discretion to determine when the revocation shall begin.

HB 1466-FN, relative to registration of slow-moving vehicles. **REFER FOR INTERIM STUDY.** Rep. Brenda L. Ferland for Transportation: This bill will be looked at along with other bills the committee held. The use of farm, tractor, and agricultural plates has been expanded to include other types of vehicles and their usage. The time has come to study what these plates were meant for, different types of vehicles being used today on the farms and highways, and how do we register and inspect them. Vote 13-0.

HB 1587, establishing a committee to study the use of electronic traffic monitoring systems. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have set up a study committee to explore the use of traffic monitor systems. During the 2005 session, there was a bill that would have allowed traffic cameras at intersections to catch red light violations. This bill was soundly defeated by the House. The committee saw no reason to study this again. Vote 12-1.

HB 1238-FN, relative to centralized voter registration database information. **OUGHT TO PASS.** Rep. Sharon M. Carson for Ways and Means: This bill allows the Secretary of State to sell to any political committee of a political party as defined by RSA 664:2 or a candidate who has filed for or who has been nominated for any office in a general election a statewide public voter checklist of

more than 2,500 names for a fee of \$25 plus \$0.0005 per name in excess of 2,500, plus any shipping costs. This will not interfere with a town selling its local public voter checklist which will charge the same fee as the state. Fees collected at the state level are to be deposited in an election fund established by RSA 5:6-d. Fees collected at the local level will remain at the municipality. The Secretary of State will provide the public voter checklist to the administrative office of the courts and to the clerks of the District Court of the United States to prepare master jury lists. The bill also establishes penalties for the use of the public voter checklist for commercial purposes. Vote 18-0.

HB 1278, increasing the fine for violating certain laws relative to labor. **OUGHT TO PASS.**
Rep. Peyton B. Hinkle for Ways and Means: This bill came to Ways and Means from the House after being considered by the Labor, Industrial and Rehabilitative Services Committee. It increases the fine paid by employers who violate any provision of RSA 275-A from \$1,000 to \$2,500 per day per employee. This would apply to employers who hire professional strikebreakers, or professional pickets, or an alien that is not in possession of any of the appropriate documents authorizing him to work in the U.S.A. Thus, this would increase the penalty for employers who hire illegal aliens. Vote 18-0.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. **OUGHT TO PASS.**
Rep. Jim Ryan for Ways and Means: This bill passed the House in a recent session and was referred to Ways and Means on the issue of making permanent the use of boat registration fees to fund the successful Milfoil and Exotic Aquatic Plant Prevention Program. The committee agrees the registration fee should remain permanent. Vote 13-1.

HB 1478, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. **OUGHT TO PASS.**

Rep. Jim Ryan for Ways and Means: This bill offers an amnesty period to encourage good reporting by employers and develops a discretionary fine schedule for use by the Department of Employment Security with regard to employers who misclassify employees. We recommend, consistent with the work of a prior House committee, the bill ought to pass. Vote 18-0.

HB 1715-FN, relative to funding of the professional assistance program of dentists. **OUGHT TO PASS.**
Rep. Jim Ryan for Ways and Means: This bill was referred to Ways and Means after passage by a House policy committee. The bill authorizes the board to augment licensing fees in a sum of not more than \$30 to be utilized exclusively to fund programs designed to aid dentists who encounter professional difficulties and are ordered to take certain steps as required by the Board of Dentistry. Vote 17-0.

REGULAR CALENDAR

SPECIAL ORDERS

HB 1335, relative to the authority of law enforcement officers during a state of emergency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: This bill as amended, addresses the possibility that during a declared State of Emergency, additional uniformed law enforcement assistance may be needed from outside the state. The bill provides for an avenue to obtain the assistance. The responding uniformed officers will have the necessary authority during the declared State of Emergency. Supervision of the responding officers will be by N. H. Law Enforcement, thus retaining local control. Vote 19-1.

Amendment (0880h)

Amend RSA 106-I:2 as inserted by section 1 of the act by replacing it with the following:

106-I:2 Emergency Declared by Governor; Authority of Officers.

I. For the duration of any state of emergency declared by the governor because of a natural disaster, riot, or act of terrorism, notwithstanding any law to the contrary:

(a) The governor, the commissioner of safety, or the commissioner's designee, may request assistance from a duly trained and certified state, county, or local law enforcement officer from New Hampshire or from any other state, county, or local law enforcement agency;

(b) A uniformed law enforcement officer who responds to the request for assistance shall have the authority to make arrests and shall have full police powers, under the supervision, direction, and control of New Hampshire state, county, or local law enforcement officers; and

(c) The authority of a law enforcement officer who responds to the request for assistance shall continue until terminated by New Hampshire law enforcement authorities or by law enforcement authorities in the jurisdiction of the responding officer.

II. A law enforcement officer who responds to the request for assistance, and who is acting under the supervision, direction, and control of New Hampshire law enforcement authorities, shall have the same privileges and immunities as an officer in the jurisdiction of the state of emergency. Amendment adopted.

The question now being adoption of the committee report

Rep. Phinizy spoke against.

Rep. Tholl spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

YEAS 264 NAYS 46

YEAS 264

BELKNAP

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Emerson, Susan	Espiefs, Peter	Foote, Sheila
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Ingbreton, Paul	Maybeck, Margie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carew, James	Carter, Mark
Christensen, D L Chris	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Elliott, Nancy	Essex, David
Foster, Linda	Gargaszy, Carolyn	Gibson, John	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Judy, Jean	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Manney, Pamela	McRae, Karen	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher

Pepino, Leo
Rowe, Robert
Shaw, Kimberly
Sullivan, Francis
Villeneuve, Maurice

Pilote, Maurice
Ryder, Donald
Slocum, Lee
Sullivan, Peter
Wheeler, Robert

Price, Pamela
Schulze, Joan
Smith, David
Tahir, Saghir

Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Klose, John
Maxfield, Roy
Reed, Dennis
Tilton, Joy
Williams, Robert

Blanchard, Elizabeth
Currier, David
Field, William
L'Heureux, Stephen
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
Danforth, James
Kennedy, Richard
Langlais, Thomas
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
DeJoie, John
Kidder, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Bridle, Russell
Camm, Kevin
Coburn, James
Donahue, Richard Ken
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Johnson, Robert
Lund, Howie
McMahon, Charles
Packard, Sherman
Priestley, Anne
Rolston, James
Waterhouse, Kevin
Weyler, Kenneth

Belanger, Ronald
Brown, C.
Carson, Sharon
Cooney, Richard
Dowd, John
Flanders, John Sr
Garrity, James
Headd, James
Katsakiores, George
Major, Norman
Morris, Richard
Palazzo, Frank
Rausch, James
Scamman, Stella
Weare, E Albert
Winchell, George

Bettencourt, David
Buxton, Donald
Casey, Kimberley
Dalrymple, Janeen
Dowling, Patricia
Flockhart, Eileen
Gilbert, Karl
Ingram, Russell
Katsakiores, Phyllis
Mason, April
Norelli, Terie
Parker, Benjamin
Robertson, Carl
Stiles, Nancy
Welch, David
Zolla, William

Bicknell, Elbert
Cali-Pitts, Jacqueline
Charron, Gene
DiFruscia, Anthony
Dumaine, Dudley
Forsing, Robert
Gould, Kenneth
Introne, Robert
Langley, Jane
McKinney, Betsy
Nowe, Ronald
Powers, James
Robinson, John
Stone, Joseph
Weldy, Norman

STRAFFORD

Albert, Russell
Chaplin, Duncan
Grassie, Anne
Keans, Sandra
Rollo, Michael
Spang, Judith

Berube, Roger
Cilley, Jacalyn
Heon, Richard
Knowles, William
Rous, Emma
Taylor, Kathleen

Campbell, W Packy
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Wall, Janet

Cataldo, Sam
Dunlap, Patricia
Johnson, Nancy
Newton, Clifford
Smith, Marjorie

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Osgood, Philip Sr

Gale, Harry
Rodeschin, Beverly

NAYS 46

BELKNAP

Pilliod, James

CARROLL

Babson, David Jr

CHESHIRE

Hunt, John

Robertson, Timothy

Sawyer, Sheldon

Tilton, Anna

COOS

Theberge, Robert

GRAFTON

Andersen, Gene

HILLSBOROUGHBalboni, Michael
Clemons, Jane
Martin, Mary Ellen
Shattuck, GilmanBiundo, Michael
Goyette, Peter Jr
Mead, Robert
Vaillancourt, SteveBuhlman, David
Hagan, Barbara
O'Brien, William
Wheeler, JamesChristiansen, Lars
Hinkle, Peyton
Ober, Lynne**MERRIMACK**

Marple, Richard

ROCKINGHAMBishop, Franklin
Itse, Daniel
Sanders, ElisabethCady, Harriet
Moody, Marcia
Splaine, JamesHopfgarten, Paul
Quandt, Marshall LeeHughes, Daniel
Quandt, Matthew**STRAFFORD**Brown, Jennifer
Easson, TimothyBrown, Julie
Hollinger, JeffreyBrown, Lawrence
Kaen, Naida

Creteau, Irene

SULLIVANConverse, Larry
Prichard, Stephen

Ferland, Brenda

Irish, Christopher

Phinizy, James

and the committee report was adopted.
Ordered to third reading.**HB 1639-FN**, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. John E. Tholl for Criminal Justice and Public Safety: While the committee understands the concerns of the sponsors, there has never been an instance in New Hampshire where the concerns addressed by the bill have ever even remotely arisen. The committee felt that although it may be an emotional issue for some, the bill is not needed. The genesis for this bill is the incidents that took place in Louisiana. New Hampshire is not Louisiana. Vote 13-5.

Rep. Hopfgarten spoke against.

Rep. Tholl spoke in favor.

Rep. Dickinson requested a roll call; sufficiently seconded.

YEAS 183 NAYS 129**YEAS 183****BELKNAP**Millham, Alida
Tobin, William

Nedeau, Stephen

Russell, David

Tilton, Franklin

CARROLLAhlgren, Christopher
Olimpio, J LisbethBrown, Carolyn
Patten, BetseyChandler, Gene
Philbrick, DonaldMartin, James
Stevens, Stanley**CHESHIRE**Allen, Peter
Dunn, J Timothy
Hunt, John
Pratt, John
Tilton, AnnaButcher, Suzanne
Espieffs, Peter
Mitchell, Bonnie
Richardson, Barbara
Weed, CharlesButynski, William
Foote, Sheila
Parkhurst, Henry
Roberts, KrisChase, William
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy**COOS**King, Frederick
Tholl, John Jr

Mears, Edgar

Stohl, Eric

Theberge, Robert

GRAFTON

Almy, Susan
Eaton, Stephanie
Mulholland, Catherine
Ward, John

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

Cooney, Mary
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Barry, J Gail
Calawa, Leon Jr
Craig, James
Dyer, Donald
Golding, William
Harvey, Suzanne
Jean, Claudette
Michon, Stephen
Pilotte, Maurice
Shattuck, Gilman
Velez, Hector

Beaulieu, Jane
Clemons, Jane
Desmarais, Vivian
Egbers, Fran
Gorman, Mary
Hawkins, Ken
Kopka, Angeline
Movsesian, Lori
Price, Pamela
Shaw, Kimberly
Wheeler, Robert

Bergin, Peter
Cote, David
DeVries, Betsi
Foster, Linda
Graham, John
Irwin, Anne-Marie
L'Heureux, Robert
O'Connell, Timothy
Ryder, Donald
Smith, David

Brundige, Robert
Cote, Peter
Dokmo, Cynthia
Gargas, Carolyn
Hall, Betty
Jasper, Shawn
Lasky, Bette
Pappas, Christopher
Schulze, Joan
Sullivan, Francis

MERRIMACK

Anderson, Eric
Clarke, Claire
Kidder, David
Osborne, Jessie
Ryan, Jim
Williams, Robert

Blanchard, Elizabeth
Danforth, James
Klose, John
Potter, Frances
Shurtleff, Stephen
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
MacKay, James
Reed, Dennis
Tilton, Joy

Brueggemann, Donald
Foote, Robert
McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Allen, Mary
Buxton, Donald
Cooney, Richard
Flockhart, Eileen
Griffin, Mary
Katsakiores, Phyllis
Moody, Marcia
Priestley, Anne
Sanders, Elisabeth
Stone, Joseph
Winchell, George

Bishop, Franklin
Cali-Pitts, Jacqueline
Dalrymple, Janeen
Francoeur, Sheila
Ingram, Russell
Langley, Jane
Norelli, Terie
Rausch, James
Scamman, Stella
Waterhouse, Kevin

Bridle, Russell
Casey, Kimberley
Dowling, Patricia
Gilbert, Karl
Johnson, Robert
Mason, April
Parker, Benjamin
Robertson, Carl
Splaine, James
Weare, E Albert

Brown, C.
Charron, Gene
Flanders, John Sr
Gould, Kenneth
Katsakiores, George
McKinney, Betsy
Powers, James
Robinson, John
Stiles, Nancy
Welch, David

STRAFFORD

Berube, Roger
Creteau, Irene
Heon, Richard
Knowles, William
Schmidt, Peter

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Brown, Julie
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Grassie, Anne
Keans, Sandra
Rous, Emma
Wall, Janet

SULLIVAN

Cloutier, John
Gale, Harry
Rodeschin, Beverly

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Prichard, Stephen

NAYS 129**BELKNAP**

Allen, Janet
Pilliod, James
Whalley, Michael

Boyce, Laurie
Thomas, John

Fitzgerald, James
Veazey, John

Heald, Bruce
Wendelboe, Fran

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
McConkey, Mark	Morrow, Harry		

CHESHIRE

Emerson, Susan	Sawyer, Sheldon
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COOS

Buzzell, Bernard	Merrick, Scott	Remick, William	Richardson, Herbert
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GRAFTON

Andersen, Gene	Dorsett, Andrew	Gionet, Edmond	Giuda, Robert
Ingbretson, Paul	Maybeck, Margie	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Buhlman, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Coughlin, Pamela	Crane, Elenore Casey	Elliott, Nancy	Gibson, John
Goley, Jeffrey	Goyette, Peter Jr	Hagan, Barbara	Hansen, Ryan
Hinkle, Peyton	Holden, Randolph	Judy, Jean	Johnson, Paula
Kurk, Neal	Lawrence, James	Manney, Pamela	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
O'Brien, William	Ober, Lynne	Pepino, Leo	Renzullo, Andrew
Rowe, Robert	Shaw, Barbara	Slocum, Lee	Stepanek, Stephen
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Currier, David	Field, William	Kennedy, Richard	L'Heureux, Stephen
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Tupper, Frank
Whiting, Herbert			

ROCKINGHAM

Belanger, Ronald	Bettencourt, David	Bicknell, Elbert	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Itse, Daniel	Lund, Howie
Major, Norman	McMahon, Charles	Morris, Richard	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Weldy, Norman	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey
Newton, Clifford	Taylor, Kathleen		

SULLIVAN

Converse, Larry	Irish, Christopher	Osgood, Philip Sr	Phiniza, James
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and the committee report was adopted.

Rep. Ulery did not vote and notified the Clerk that he wished to be recorded against.

Reps. Reed and Stiles voted Yea and intended to vote Nay.

HB 1193-FN, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Judiciary: This bill is attempting to address the same problem in CACR 39, related to the last sentence in article 72A in the constitution. The bill directs the Secretary of State

to remove the sentence "the rules so promulgated shall have the force and effect of law." The sponsor brought in extensive research from the constitutional convention to demonstrate the last sentence was deleted at the convention. The Secretary of State, however, brought in a single copy from the convention with the last sentence included. Finally the committee felt the only constitutional way to change the constitution is with another constitutional amendment. Vote 15-4.

Rep. Marple spoke against.

Rep. Lasky spoke in favor.

Rep. Vaillancourt moved Recommit.

Rep. Dokmo spoke against.

Motion failed.

On a division vote, 234 members having voted in the affirmative and 66 in the negative, the committee report was adopted.

HB 1266, relative to acceptance of consular identification documents. INEXPEDIENT TO LEGISLATE.

Rep. John B. Hunt for Judiciary: A consular identification is an identification card issued by a foreign embassy for its expatriates. The bill would require that state agencies and law enforcement accept the card as proof of citizenship and that financial institutions may accept the card as a form of identification. The majority of the committee felt that since the federal government may include regulation of these cards in the real ID legislation, it is premature and unnecessary for N.H. to pass anything. The committee, also, was concerned that state agencies must accept an ID that is not a passport but issued by a foreign country. Vote 13-5.

Rep. Velez spoke against.

Rep. Hunt spoke in favor.

Rep. Renzullo requested a roll call; sufficiently seconded.

YEAS 241 NAYS 73

YEAS 241

BELKNAP

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Butynski, William	Chase, William	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Plifka, Stanley Jr	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna

COOS

Buzzell, Bernard	King, Frederick	Merrick, Scott	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Bleyler, Ruth	Dorsett, Andrew	Eaton, Stephanie	Gionet, Edmond
Giuda, Robert	Ingbretson, Paul	Maybeck, Margie	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Balboni, Michael	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James

Carter, Mark
Coughlin, Pamela
Dokmo, Cynthia
Francoeur, Bea
Goley, Jeffrey
Hall, Betty
Hellwig, Steve
Judy, Jean
L'Heureux, Robert
McRae, Karen
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Smith, David
Vaillancourt, Steve

Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Goyette, Peter Jr
Hansen, Ryan
Holden, Randolph
Johnson, Paula
Lawrence, James
Mead, Robert
Movsesian, Lori
Pepino, Leo
Rosenwald, Cindy
Shattuck, Gilman
Stepanek, Stephen
Villeneuve, Maurice

Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Graham, John
Harvey, Suzanne
Jasper, Shawn
Kopka, Angeline
Manney, Pamela
Messier, Irene
O'Brien, William
Pilotte, Maurice
Rowe, Robert
Shaw, Kimberly
Tahir, Saghir
Wheeler, James

Cote, David
DeVries, Betsi
Foster, Linda
Golding, William
Hagan, Barbara
Hawkins, Ken
Jean, Claudette
Kurk, Neal
Martin, Mary Ellen
Michon, Stephen
O'Connell, Timothy
Price, Pamela
Ryder, Donald
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

MERRIMACK

Anderson, Eric
Danforth, James
Klose, John
Marple, Richard
Whiting, Herbert

Blanchard, Elizabeth
DeStefano, Stephen
L'Heureux, Stephen
Maxfield, Roy
Williams, Robert

Brueggemann, Donald
Field, William
Langlais, Thomas
Reed, Dennis

Currier, David
Kennedy, Richard
MacKay, James
Tupper, Frank

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Cali-Pitts, Jacqueline
Cooney, Richard
Dowd, John
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
Nowe, Ronald
Priestley, Anne
Robertson, Carl
Stiles, James
Welch, David
Zolla, William

Belanger, Ronald
Bridle, Russell
Camm, Kevin
Dalrymple, Janeen
Dumaine, Dudley
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
Mason, April
Packard, Sherman
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Weldy, Norman

Bettencourt, David
Brown, C.
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Gilbert, Karl
Hopfgarten, Paul
Itse, Daniel
Langley, Jane
McMahon, Charles
Palazzo, Frank
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Bicknell, Elbert
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Gould, Kenneth
Hughes, Daniel
Johnson, Robert
Lund, Howie
Morris, Richard
Parker, Benjamin
Rausch, James
Scamman, Stella
Weare, E Albert
Winchell, George

STRAFFORD

Albert, Russell
Campbell, W Packy
Easson, Timothy
Kaen, Naida
Newton, Clifford

Berube, Roger
Cataldo, Sam
Heon, Richard
Keans, Sandra
Smith, Marjorie

Brown, Julie
Chaplin, Duncan
Hollinger, Jeffrey
Knowles, William
Wall, Janet

Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph

SULLIVAN

Ferland, Brenda
Jillette, Arthur Jr

Gale, Harry
Osgood, Philip Sr

Houde-Quimby, Charlotte
Rodeschin, Beverly

Irish, Christopher

NAYS 73

BELKNAP

None

CARROLL

None

CHESHIRE

Butcher, Suzanne	Dunn, J Timothy	Mitchell, Bonnie	Parkhurst, Henry
Pratt, John	Richardson, Barbara	Roberts, Kris	Weed, Charles

COOS

Mears, Edgar

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Clemons, Jane	Cote, Peter
Craig, James	Egbers, Fran	Gonzalez, Carlos	Gorman, Mary
Hinkle, Peyton	Irwin, Anne-Marie	Lasky, Bette	Pappas, Christopher
Schulze, Joan	Shaw, Barbara	Sullivan, Francis	Sullivan, Peter
Velez, Hector			

MERRIMACK

Bouchard, Candace	Clarke, Claire	Foose, Robert	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Casey, Kimberley	Coburn, James	Dowling, Patricia	Flockhart, Eileen
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Powers, James
Robinson, John	Splaine, James		

STRAFFORD

Brown, Jennifer	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Grassie, Anne	Hofemann, Roland	Rollo, Michael	Schmidt, Peter
Spang, Judith	Taylor, Kathleen		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Phinizy, James	Prichard, Stephen		

and the committee report was adopted.

HB 1322, relative to the establishment of allodial rights. **INEXPEDIENT TO LEGISLATE.**
 Rep. Stephen J. Shurtleff for Judiciary: This law makes reference to NH colonial laws and methodology by which property was transferred. The bill would require that property could only be "acquired" by the use of "lawful" money. The term "lawful" money was defined as being gold or silver coin. It was the feeling of the committee that this would cause a tremendous burden to the citizens of New Hampshire, and be extraordinarily disruptive to commerce. Furthermore, it is the responsibility of the federal government to define what is "lawful money," not the State of N.H. Vote 13-0.
 Rep. Marple spoke against.
 Rep. Sorg spoke in favor.
 Committee report adopted.

HB 1641-FN, establishing a common law court. **INEXPEDIENT TO LEGISLATE.**
 Rep. Stephen J. Shurtleff for Judiciary: This bill would set up a court of "Common Law." The committee felt that this was unnecessary, unwarranted and an added expensive for our citizens. N.H. has a workable court system that relies on common law when no applicable law exists. This new court would be unmanageable and duplicative. Vote 13-0.
 Rep. Marple spoke against.
 On a division vote, 295 members having voted in the affirmative and 14 in the negative, the committee report was adopted.

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. **OUGHT TO PASS.** Rep. Lars T. Christiansen for State-Federal Relations and Veterans Affairs: The committee agrees that the General Court should request that the United States withdraw funding for the United Nations if it adopts a resolution to forbid private ownership of firearms and any other constitutionally guaranteed rights which would be in violation of the United States Constitution and the New Hampshire Constitution. Vote 9-1.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 184 NAYS 134

YEAS 184

BELKNAP

Allen, Janet	Boyce, Laurie	Heald, Bruce	Nedeau, Stephen
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	McConkey, Mark	Morrow, Harry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Emerson, Susan	Foote, Sheila	Hunt, John	Plifka, Stanley Jr
Sawyer, Sheldon			

COOS

Buzzell, Bernard	King, Frederick	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Dorsett, Andrew	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Balboni, Michael	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carew, James	Carter, Mark	Christiansen, Lars
Cote, David	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Goley, Jeffrey
Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn
Johnson, Paula	L'Heureux, Robert	Lawrence, James	Manney, Pamela
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pepino, Leo	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Slocum, Lee	Smith, David
Stepanek, Stephen	Sullivan, Francis	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Currier, David	Field, William
Kennedy, Richard	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Marple, Richard	Maxfield, Roy	Reed, Dennis	Soltani, Tony
Whiting, Herbert			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Camm, Kevin
Carson, Sharon	Coburn, James	Dalrymple, Janeen	Donahue, Richard Ken

Dowd, John
 Flanders, John Sr
 Gilbert, Karl
 Hughes, Daniel
 Johnson, Robert
 Lund, Howie
 McMahon, Charles
 Palazzo, Frank
 Rausch, James
 Stiles, Nancy
 Weldon, Norman

Dowling, Patricia
 Forsing, Robert
 Griffin, Mary
 Ingram, Russell
 Katsakiores, George
 Major, Norman
 Morris, Richard
 Priestley, Anne
 Rolston, James
 Stone, Joseph
 Weyler, Kenneth

Dumaine, Dudley
 Francoeur, Sheila
 Headd, James
 Introne, Robert
 Katsakiores, Phyllis
 Mason, April
 Nowe, Ronald
 Quandt, Marshall Lee
 Sanders, Elisabeth
 Weare, E Albert
 Winchell, George

Fesh, Bob
 Garrity, James
 Hopfgarten, Paul
 Itse, Daniel
 Langley, Jane
 McKinney, Betsy
 Packard, Sherman
 Quandt, Matthew
 Scamman, Stella
 Welch, David
 Zolla, William

STRAFFORD

Albert, Russell
 Campbell, W Packy
 Hollinger, Jeffrey

Berube, Roger
 Cataldo, Sam
 Keans, Sandra

Bickford, David
 Chaplin, Duncan
 Knowles, William

Brown, Julie
 Easson, Timothy
 Newton, Clifford

SULLIVAN

Ferland, Brenda
 Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 134

BELKNAP

Millham, Alida

Pilliod, James

Knox, J David

Martin, James

Olimpio, J Lisbeth

Stevens, Stanley

CARROLL

Allen, Peter
 Coates, Christopher
 Mitchell, Bonnie
 Roberts, Kris

Butcher, Suzanne
 Dunn, J Timothy
 Parkhurst, Henry
 Robertson, Timothy

Butynski, William
 Espiefs, Peter
 Pratt, John
 Tilton, Anna

Chase, William
 Hogancamp, Deborah
 Richardson, Barbara

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
 Cooney, Mary
 McLeod, Martha
 Solomon, Peter

Andersen, Gene
 Eaton, Stephanie
 Mulholland, Catherine

Benn, Bernard
 Hammond, Lee
 Nordgren, Sharon

Bleyler, Ruth
 Harding, A Laurie
 Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
 Christensen, D L Chris
 DeVries, Betsi
 Gorman, Mary
 Harvey, Suzanne
 Judy, Jean
 Michon, Stephen
 Rosenwald, Cindy
 Shaw, Kimberly

Beaulieu, Jane
 Clemons, Jane
 Egbers, Fran
 Graham, John
 Holden, Randolph
 Kopka, Angeline
 Movsesian, Lori
 Schulze, Joan
 Sullivan, Peter

Bergin, Peter
 Cote, Peter
 Essex, David
 Hall, Betty
 Irwin, Anne-Marie
 Kurk, Neal
 Pappas, Christopher
 Shattuck, Gilman
 Vaillancourt, Steve

Campbell, David
 Craig, James
 Foster, Linda
 Hansen, Ryan
 Jean, Claudette
 Lasky, Bette
 Pilotte, Maurice
 Shaw, Barbara
 Velez, Hector

MERRIMACK

Bouchard, Candace
 DeStefano, Stephen
 McMahon, Patricia
 Ryan, Jim
 Wallner, Mary Jane

Brueggemann, Donald
 Foose, Robert
 Osborne, Jessie
 Shurtleff, Stephen
 Williams, Robert

Clarke, Claire
 French, Barbara
 Potter, Frances
 Tilton, Joy
 Yeaton, Charles

Danforth, James
 MacKay, James
 Rush, Deanna
 Tupper, Frank

ROCKINGHAM

Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Cooney, Richard	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Moody, Marcia	Norelli, Terie	Parker, Benjamin	Powers, James
Robertson, Carl	Robinson, John	Splaine, James	Waterhouse, Kevin

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the committee report was adopted.

Rep. Hansen voted Nay and intended to vote Yea.

HB 1628, relative to expenses of operating bingo games. **INEXPEDIENT TO LEGISLATE.**

Rep. Shawn N. Jasper for Ways and Means: This bill would allow charitable organizations to opt out of retaining the seven percent collected from bingo players in a winner take all game. This seven percent take was only just authorized this past session. While some charities have seen a drop in attendance, given a number of factors such as rising fuel prices and hurricane relief, it is unlikely that the drop in attendance in the past few months has much if anything to do with the seven percent retention. Having a situation where organizations have a different payout percentage for the same game will no doubt lead to confusion and even angry players, when they receive less than they were expecting. It will also create a situation where the operators of games, who run bingo on different nights for different charities, will be subject to a different percentage according to the dictates of the various charities. This could easily lead to incorrect payouts. Vote 20-0.

Reps. Vaillancourt and Palazzo spoke against.

Reps. Boyce and Jasper spoke in favor.

On a division vote, 218 members having voted in the affirmative and 88 in the negative, the committee report was adopted.

HB 1638-FN-A, reducing the rate of the communications services tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: Reducing the communications services tax will reduce general fund revenue by \$15 million per year beginning in FY 2007 without an offsetting reduction in spending or an increase in another revenue source. The bill's sponsor felt this bill would have a revenue neutral effect due to the people who continue to use land lines. The committee felt it is unlikely that the proposed reduction in the communication services tax would be the area which would enhance our overall tax climate, dollar for dollar. Vote 17-2.

Rep. Steve Vaillancourt for the Minority of Ways and Means: This bill would reduce the communications service tax from 7 to 5.5 percent. More commonly, that's known as the tax on telephones, and it generates approximately \$70 million a year. This 1.5 percent reduction would mean \$15 million a year less for state coffers, a fact the minority readily acknowledges. How are you going to make up for such a loss? That's the first question those of us on Ways and Means ask when considering tax reductions, and without an answer a bill is virtually dead on arrival. The same day the committee exceed this bill, we began the process of revenue estimates and learned that business taxes could well run \$35-50 million ahead of schedule this year and at least \$10 million ahead for next year. Other taxes, except rooms and meals taxes and the real estate transfer taxes, are mostly on target, so there is ample evidence that the state, even after resupplying the rainy day fund, can afford this tax reduction. The minority believes this bill can stand as a proxy for lower taxes. The minority believes we should view it as a good faith down payment to our citizenry which has been hit with numerous tax and fee increases this biennium, everything from the 28 cent per pack cigarette tax increase to an increase on motor vehicle violation fines (which went into effect without even as much as a public hearing) to an increase in filing fees in district courts. We could not afford

to temporarily reduce the gasoline tax as proposed by the sponsor of HB 1473. That would have cost the state approximately \$60 million in total. We could not afford to eliminate the BET and reduce the BPT (HB 1599) as proposed by the sponsor of this bill. That would have cost the state approximately \$144 million a year. We could not afford HB 1319 which would have reduced the cigarette tax by 28 cents a pack and would have cost the state more than \$47million this year. The same argument cannot be made for this bill. Quite simply, we can afford to do this. What we cannot afford to do is continually tell the public that we favor lower taxes and then not reduce them when provided the opportunity to do so. This tax was enacted in 1990 at a rate of three percent with a surcharge of 66 2/3 percent, making the effective rate five percent. A year later, we kept the rate at three percent but increased the surcharge to 100 percent, making the effective rate six percent. Through the years, we kept saying this was going to be a temporary tax until in 2003 we made it a permanent tax at the rate of seven percent. Since this tax has such a muddled history, we should do everything we can to roll it back and live up to past promises. Since virtually everyone has a telephone, the decrease would be spread to virtually everyone in the state, at least to those who pay the tax. (The exemption on the first \$12 per month of a phone bill would remain in effect). To say no to this reduction when we can afford it is to acknowledge the sad truth that our top priority here is to increase spending rather than to reduce taxes.

Rep. Hagan spoke against.

Rep. Jasper spoke in favor and yielded to questions.

Rep. Boyce requested a roll call; sufficiently seconded.

YEAS 223 NAYS 91

YEAS 223

BELKNAP

Fitzgerald, James
Pilliod, James
Tobin, William

Millham, Alida
Russell, David
Veazey, John

Morrison, Gail
Thomas, John
Wendelboe, Fran

Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Chandler, Gene
Morrow, Harry
Stevens, Stanley

Babson, David Jr
Dickinson, Howard
Olimpio, J Lisbeth

Brown, Carolyn
Knox, J David
Patten, Betsey

Buco, Thomas
McConkey, Mark
Philbrick, Donald

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara

Butcher, Suzanne
Foote, Sheila
Parkhurst, Henry
Roberts, Kris

Butynski, William
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Hunt, John
Pratt, John
Tilton, Anna

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Ward, John

Benn, Bernard
Hammond, Lee
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Batula, Peter
Brundige, Robert
Christiansen, Lars
Desmarais, Vivian
Essex, David

Beaulieu, Jane
Calawa, Leon Jr
Cote, David
DeVries, Betsi
Foster, Linda

Bergin, Peter
Campbell, David
Cote, Peter
Dyer, Donald
Gargaszy, Carolyn

Brassard, Paul
Christensen, D L Chris
Coughlin, Pamela
Egbers, Fran
Golding, William

Goley, Jeffrey
Harvey, Suzanne
Jean, Claudette
Kurk, Neal
Movsesian, Lori
Price, Pamela
Schulze, Joan
Smith, David

Gorman, Mary
Holden, Randolph
Judy, Jean
L'Heureux, Robert
O'Connell, Timothy
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis

Graham, John
Irwin, Anne-Marie
Johnson, Paula
Lasky, Bette
Pappas, Christopher
Ryder, Donald
Shaw, Kimberly
Velez, Hector

Hall, Betty
Jasper, Shawn
Kopka, Angeline
Michon, Stephen
Pilotte, Maurice
Scanlon, Michael
Slocum, Lee
Wheeler, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
Hess, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Whiting, Herbert

Blanchard, Elizabeth
Danforth, James
Klose, John
Maxfield, Roy
Reed, Dennis
Tilton, Joy
Williams, Robert

Bouchard, Candace
Foose, Robert
L'Heureux, Stephen
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
French, Barbara
Langlais, Thomas
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Bridle, Russell
Camm, Kevin
Cooney, Richard
Fesh, Bob
Francoeur, Sheila
Ingram, Russell
Langley, Jane
Moody, Marcia
Priestley, Anne
Rolston, James
Stone, Joseph
Weldy, Norman

Brown, C.
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Gould, Kenneth
Johnson, Robert
Major, Norman
Norelli, Terie
Rausch, James
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Buxton, Donald
Casey, Kimberley
Donahue, Richard Ken
Flockhart, Eileen
Griffin, Mary
Katsakiores, George
Mason, April
Packard, Sherman
Robertson, Carl
Scamman, Stella
Weare, E Albert
Winchell, George

Cali-Pitts, Jacqueline
Charron, Gene
Dowd, John
Forsing, Robert
Hughes, Daniel
Katsakiores, Phyllis
McMahon, Charles
Powers, James
Robinson, John
Splaine, James
Welch, David
Zolla, William

STRAFFORD

Berube, Roger
Chaplin, Duncan
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Heon, Richard
Knowles, William
Smith, Marjorie

Brown, Julie
Creteau, Irene
Johnson, Nancy
Miller, Joseph
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Kaen, Naida
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 91

BELKNAP

Allen, Janet

Boyce, Laurie

Heald, Bruce

CARROLL

Martin, James

CHESHIRE

Emerson, Susan

Espieffs, Peter

Sawyer, Sheldon

COOS

None

GRAFTON

Dorsett, Andrew
Maybeck, Margie

Gionet, Edmond
Sorg, Gregory

Giuda, Robert

Ingbreton, Paul

HILLSBOROUGH

Balboni, Michael
Biundo, Michael
Carter, Mark
Dokmo, Cynthia
Gonzalez, Carlos
Hawkins, Ken
Lawrence, James
Mead, Robert
Ober, Lynne
Stepanek, Stephen
Vaillancourt, Steve

Baroody, Benjamin
Boehm, Ralph
Clemons, Jane
Elliott, Nancy
Goyette, Peter Jr
Hellwig, Steve
Manney, Pamela
Messier, Irene
Renzullo, Andrew
Sullivan, Peter
Villeneuve, Maurice

Barry, J Gail
Buhlman, David
Craig, James
Francoeur, Bea
Hagan, Barbara
Hinkle, Peyton
Martin, Mary Ellen
Mooney, Maureen
Rowe, Robert
Tahir, Saghir
Wheeler, James

Bergeron, Jean-Guy
Carew, James
Crane, Elenore Casey
Gibson, John
Hansen, Ryan
Hirschmann, Keith
McRae, Karen
O'Brien, William
Shaw, Barbara
Ulery, Jordan

MERRIMACK

DeJoie, John
Marple, Richard

DeStefano, Stephen
Soltani, Tony

Field, William

Kennedy, Richard

ROCKINGHAM

Allen, Mary
Coburn, James
Headd, James
Lund, Howie
Palazzo, Frank

Belanger, Ronald
Dumaine, Dudley
Hopfgarten, Paul
McKinney, Betsy
Quandt, Marshall Lee

Bettencourt, David
Garrity, James
Introne, Robert
Morris, Richard
Quandt, Matthew

Bicknell, Elbert
Gilbert, Karl
Itse, Daniel
Nowe, Ronald
Stiles, Nancy

STRAFFORD

Albert, Russell
Hofemann, Roland

Bickford, David
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

Easson, Timothy

SULLIVAN

Irish, Christopher
and the majority committee report was adopted.

Phinizz, James

HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way. **INEXPEDIENT TO LEGISLATE.**

Rep. John H. Thomas for Ways and Means: This bill is really a disclosure bill rather than a tax bill. There is a lot of related historical information that has an affect on the issue of disclosure and many in the committee feel the bill should be re-crafted with the appropriate amount of study given to those issues. Vote 18-1.

Rep. Danforth spoke against and yielded to questions.

Rep. Thomas spoke in favor.

On a division vote, 173 members having voted in the affirmative and 135 in the negative, the committee report was adopted.

REGULAR CALENDAR

HB 1229-FN, prohibiting the use of false documentation for employment, government services, or permits. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: At the deadline for reporting this bill to the House, the committee did not see a purpose for the bill. We have learned, however, that more information may be available very soon. If this happens, the committee will provide the information to the House when the bill is before the body for debate. Vote 12-2.

Rep. Welch spoke against.

Rep. Newton requested a roll call; sufficiently seconded.

YEAS 74 NAYS 240**YEAS 74
BELKNAP**

Morrison, Gail

CARROLL

Bucio, Thomas

CHESHIREEspiefs, Peter
Richardson, BarbaraMitchell, Bonnie
Sawyer, Sheldon

Parkhurst, Henry

Pratt, John

COOS

Remick, William

GRAFTONAlmy, Susan
McLeod, Martha
Solomon, PeterBleyler, Ruth
Mulholland, CatherineHam, Bonnie
Nordgren, SharonHammond, Lee
Sokol, Hilda**HILLSBOROUGH**Baroody, Benjamin
Cote, David
Irwin, Anne-Marie
Lasky, Bette
Pilotte, Maurice
Sullivan, FrancisBeaulieu, Jane
DeVries, Betsi
Jean, Claudette
Michon, Stephen
Rosenwald, Cindy
Velez, HectorCalawa, Leon Jr
Goley, Jeffrey
Judy, Jean
Movsesian, Lori
Schulze, JoanClemons, Jane
Harvey, Suzanne
Kopka, Angeline
Pappas, Christopher
Smith, David**MERRIMACK**Clarke, Claire
Osborne, Jessie
Wallner, Mary JaneDeJoie, John
Potter, Frances
Walz, Mary BethMaxfield, Roy
Ryan, JimMcMahon, Patricia
Shurtleff, Stephen**ROCKINGHAM**Allen, Mary
Gilbert, Karl
Sanders, ElisabethBrown, C.
Hughes, DanielCasey, Kimberley
Norelli, TerieFlockhart, Eileen
Powers, James**STRAFFORD**Berube, Roger
Johnson, Nancy
Smith, MarjorieBrown, Julie
Knowles, William
Spang, JudithBrown, Lawrence
Miller, Joseph
Taylor, KathleenHilliard, Dana
Schmidt, Peter
Wall, Janet**SULLIVAN**

Donovan, Thomas

Franklin, Peter

Phinizy, James

NAYS 240**BELKNAP**Allen, Janet
Millham, Alida
Thomas, John
Wendelboe, FranBoyce, Laurie
Nedeau, Stephen
Tilton, Franklin
Whalley, MichaelFitzgerald, James
Pilliod, James
Tobin, WilliamHeald, Bruce
Russell, David
Veazey, John**CARROLL**Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry
Stevens, StanleyBabson, David Jr
Knox, J David
Olimpio, J LisbethBrown, Carolyn
Martin, James
Patten, BetseyChandler, Gene
McConkey, Mark
Philbrick, Donald

CHESHIRE

Allen, Peter
Coates, Christopher
Hogancamp, Deborah
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Hunt, John
Tilton, Anna

Butynski, William
Emerson, Susan
Plifka, Stanley Jr

Chase, William
Foote, Sheila
Roberts, Kris

COOS

Buzzell, Bernard
Richardson, Herbert

King, Frederick
Stohl, Eric

Mears, Edgar
Tholl, John Jr

Merrick, Scott

GRAFTON

Andersen, Gene
Eaton, Stephanie
Maybeck, Margie

Benn, Bernard
Gionet, Edmond
Sorg, Gregory

Cooney, Mary
Giuda, Robert
Ward, John

Dorsett, Andrew
Harding, A Laurie
Williams, Burton

HILLSBOROUGH

Balboni, Michael
Biundo, Michael
Buhlman, David
Christensen, D L Chris
Crane, Elenore Casey
Egbers, Fran
Francoeur, Bea
Gonzalez, Carlos
Hagan, Barbara
Hellwig, Steve
Kurk, Neal
Martin, Mary Ellen
Mooney, Maureen
Pepino, Leo
Ryder, Donald
Shaw, Kimberly
Tahir, Saghir
Wheeler, James

Batula, Peter
Boehm, Ralph
Campbell, David
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gargas, Carolyn
Gorman, Mary
Hall, Betty
Hirschmann, Keith
L'Heureux, Robert
McRae, Karen
O'Brien, William
Price, Pamela
Scanlon, Michael
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

Bergeron, Jean-Guy
Brassard, Paul
Carew, James
Cote, Peter
Dokmo, Cynthia
Essex, David
Gibson, John
Goyette, Peter Jr
Hansen, Ryan
Holden, Randolph
Lawrence, James
Mead, Robert
O'Connell, Timothy
Renzullo, Andrew
Shattuck, Gilman
Stepanek, Stephen
Vaillancourt, Steve

Bergin, Peter
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Dyer, Donald
Foster, Linda
Golding, William
Graham, John
Hawkins, Ken
Johnson, Paula
Manney, Pamela
Messier, Irene
Ober, Lynne
Rowe, Robert
Shaw, Barbara
Sullivan, Peter
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Danforth, James
French, Barbara
L'Heureux, Stephen
Reed, Dennis
Tupper, Frank

Blanchard, Elizabeth
DeStefano, Stephen
Hess, David
Langlais, Thomas
Rush, Deanna
Whiting, Herbert

Bouchard, Candace
Field, William
Kennedy, Richard
MacKay, James
Soltani, Tony
Williams, Robert

Brueggemann, Donald
Foote, Robert
Klose, John
Marple, Richard
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Asselin, Michael
Bishop, Franklin
Camm, Kevin
Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Itse, Daniel
Langley, Jane
McKinney, Betsy
Nowe, Ronald
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Weldy, Norman

Belanger, Ronald
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Garrity, James
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Major, Norman
Moody, Marcia
Palazzo, Frank
Robertson, Carl
Splaine, James
Weare, E Albert
Winchell, George

Bicknell, Elbert
Cali-Pitts, Jacqueline
Coburn, James
Dowd, John
Forsing, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mason, April
Morris, Richard
Priestley, Anne
Robinson, John
Stiles, Nancy
Welch, David

STRAFFORD

Albert, Russell	Bickford, David	Brown, Jennifer	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Easson, Timothy	Heon, Richard	Hofemann, Roland
Hollinger, Jeffrey	Kaen, Naida	Keans, Sandra	Newton, Clifford
Rollo, Michael			

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Prichard, Stephen	Rodeschin, Beverly		
and the committee report failed.			
Rep. Stevens moved Ought to Pass, spoke in favor and yielded to questions.			
Rep. Almy moved Recommit.			

LAID ON THE TABLE

Rep. Phinzy moved that **HB 1229-FN**, prohibiting the use of false documentation for employment, government services, or permits, be laid on the table.

Rep. Hebert requested a roll call; sufficiently seconded.

YEAS 164 NAYS 151**YEAS 164****BELKNAP**

Morrison, Gail	Nedeau, Stephen	Thomas, John	Tobin, William
Veazey, John			

CARROLL

Buco, Thomas	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna

COOS

Buzzell, Bernard	Mears, Edgar	Remick, William	Troll, John Jr
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GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Harn, Bonnie	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Brundige, Robert
Calawa, Leon Jr	Carter, Mark	Clemons, Jane	Cote, David
Cote, Peter	DeVries, Betsi	Egbers, Fran	Essex, David
Foster, Linda	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Hall, Betty	Hansen, Ryan	Holden, Randolph	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Judy, Jean	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Martin, Mary Ellen	Messier, Irene
Michon, Stephen	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Pappas, Christopher	Pepino, Leo	Pilotte, Maurice	Rosenwald, Cindy
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Slocum, Lee	Smith, David	Sullivan, Francis	Sullivan, Peter
Velez, Hector	Villeneuve, Maurice		

MERRIMACK

Anderson, Eric
Danforth, James
French, Barbara
Osborne, Jessie
Shurtleff, Stephen
Whiting, Herbert

Bouchard, Candace
DeJoie, John
L'Heureux, Stephen
Potter, Frances
Tilton, Joy
Williams, Robert

Brueggemann, Donald
DeStefano, Stephen
Maxfield, Roy
Rush, Deanna
Wallner, Mary Jane
Yeaton, Charles

Clarke, Claire
Foose, Robert
McMahon, Patricia
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Bishop, Franklin
Casey, Kimberley
Flanders, John Sr
Headd, James
Major, Norman
Powers, James

Brown, C.
Cooney, Richard
Flockhart, Eileen
Hughes, Daniel
McKinney, Betsy
Priestley, Anne

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Forsing, Robert
Johnson, Robert
Moody, Marcia
Splaine, James

Camm, Kevin
Fesh, Bob
Francœur, Sheila
Langley, Jane
Morris, Richard
Welch, David

STRAFFORD

Berube, Roger
Cataldo, Sam
Heon, Richard
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Chaplin, Duncan
Hilliard, Dana
Knowles, William
Smith, Marjorie

Brown, Julie
Creteau, Irene
Johnson, Nancy
Miller, Joseph
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Kaen, Naida
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Rodeschin, Beverly

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Franklin, Peter
Phinzy, James

NAYS 151**BELKNAP**

Allen, Janet
Pilliod, James
Whalley, Michael

Boyce, Laurie
Russell, David

Fitzgerald, James
Tilton, Franklin

Millham, Alida
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Philbrick, Donald

Babson, David Jr
Knox, J David
Stevens, Stanley

Brown, Carolyn
Martin, James

Chandler, Gene
McConkey, Mark

CHESHIRE

Emerson, Susan

Foote, Sheila

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick

Merrick, Scott

Richardson, Herbert

Stohl, Eric

GRAFTON

Bleyler, Ruth
Giuda, Robert
Ward, John

Dorsett, Andrew
Maybeck, Margie

Eaton, Stephanie
Solomon, Peter

Gionet, Edmond
Sorg, Gregory

HILLSBOROUGH

Balboni, Michael
Biundo, Michael
Carew, James
Crane, Elenore Casey
Elliott, Nancy

Batula, Peter
Boehm, Ralph
Christensen, D L Chris
Desmarais, Vivian
Francoeur, Bea

Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Dokmo, Cynthia
Gargasz, Carolyn

Bergin, Peter
Campbell, David
Coughlin, Pamela
Dyer, Donald
Gibson, John

Golding, William	Gonzalez, Carlos	Graham, John	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	Ober, Lynne
Price, Pamela	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Shaw, Barbara	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Field, William	Hess, David	Kennedy, Richard
Klose, John	Langlais, Thomas	MacKay, James	Marple, Richard
Reed, Dennis	Soltani, Tony	Tupper, Frank	

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Carson, Sharon
Charron, Gene	Coburn, James	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Garrity, James	Gilbert, Karl	Gould, Kenneth
Griffin, Mary	Hopfgarten, Paul	Ingram, Russell	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Mason, April	McMahon, Charles	Norelli, Terie	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Weldy, Norman	Weyler, Kenneth
Winchell, George			

STRAFFORD

Albert, Russell	Bickford, David	Campbell, W Packy	Dunlap, Patricia
Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford

SULLIVAN

Ferland, Brenda	Irish, Christopher	Osgood, Philip Sr	Prichard, Stephen
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and the motion was adopted.

(Deputy Speaker Weyler in the Chair)**REGULAR CALENDAR (CONT'D.)**

HB 1525, relative to the safety of school bus stops. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy F. Stiles for the Majority of Education: This bill was brought forward to address a single situation and to outline a process of recourse. Two amendments were offered and defeated. Since this particular situation had already been resolved locally, the majority of the committee felt this bill would micro manage local school boards. Vote 11-4.

Rep. Deanna P. Rush for the Minority of Education: A subcommittee came up with an amendment that would have laid out the process for a parent or guardian to request the local school board to evaluate the safety problem. It also allowed for a review by the State Board of Education if the problem was not resolved. The minority believes in the amendment however, the amendment was defeated. Majority committee report adopted.

HJR 21, urging the university of New Hampshire to restore intercollegiate baseball and softball. **OUGHT TO PASS.**

Rep. Timothy E. Easson for Education: In 1997, the University of New Hampshire discontinued the baseball program citing budget cuts and obstacles brought on by Title IX. Since that time, private groups comprised of UNH alumni, New Hampshire business owners, and citizens have worked to raise money to try to reinstate the baseball program and to implement a softball program. Despite this private effort, UNH has refused to reinstate baseball and implement softball, even though many students and alumni desire to see these programs at the school. UNH is the only state university in New England to not have baseball or softball as part of a Division 1 athletics

program. If UNH alum and Hall of Fame catcher Carleton Fisk was a student today he would not be able to play baseball for his school. Statistical analysis shows that baseball is one of the top three sports offered at the high school level across the state. This resolution has no financial obligation and makes it clear the legislature has not forgotten the issue and that a re-evaluation is appropriate and overdue. Vote 9-3.

Rep. Jasper spoke against.

Rep. Giuda spoke in favor.

Rep. Bettencourt spoke in favor and yielded to questions.

Rep. Rollo requested a roll call: sufficiently seconded.

YEAS 187 NAYS 117

YEAS 187

BELKNAP

Allen, Janet	Boyer, Laune	Fitzgerald, James	Millham, Alida
Pillod, James	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Anlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Coates, Christopher	Emerson, Susan	Foots, Sheila	Hogancamp, Deborah
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COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert		

GRAFTON

Andersen, Gene	Dorsett, Andrew	Eaton, Stephanie	Glonet, Edmond
Giuda, Robert	Ham, Bonnie	Maybeck, Margie	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Balboni, Michael	Baroddy, Benjamin	Battula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Brundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calewa, Leon Jr	Campbell, David
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Cote, David	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Egbers, Fran	Elliott, Nancy	Essex, David
Foster, Linda	Gargas, Carolyn	Glosin, John	Golding, William
Goley, Jeffrey	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve
Hirschmann, Keith	Holden, Randolph	Judy, Jean	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Messler, Irene	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Oder, Lynne	Phos, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Stepanek, Stephen	Sullivan, Peter
Tahir, Saghin	Willemauve, Maurice	Wheeler, Robert	

MERRIMACK

Clarke, Claire	Cumier, David	Field, William	Foose, Robert
French, Barbara	Hess, David	Langleis, Thomas	Marple, Richard
Osborne, Jessie	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Walz, Mary Beth	Whiting, Herbert

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Betancourt, David
Bicknell, Elbert	Brown, C	Bulfinch, Donald	Camm, Kevin
Carson, Sharon	Chamori, Gene	Coburn, James	Cowd, John
Dumaine, Dudley	Farr, Bob	Flanders, John Sr	Forsing, Robert
Garry, James	Gilbert, Karl	Griffin, Mary	Heads, James
Hedigarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakores, George	Katsakores, Phyllis
Langley, Jane	Lund, Howie	Mason, April	McMahon, Charles
Morris, Richard	Packard, Sherman	Palazzo, Frank	Powers, James
Nrestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Polston, James	Sanders, Elizabeth	Scamman, Stella
Splaine, James	Shles, Nancy	Stone, Joseph	Watamouse, Kevin
Wears, E Albert	Welch, David	Welby, Norman	Winchell, George

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Eason, Timothy	Heon, Richard
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Newton, Clifford

SULLIVAN

Gale, Harry	Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschini, Beverly
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NAYS 117

BELKNAP

Morrison, Gail	Neddau, Stephen
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CARROLL

Brown, Carolyn	Olimpio, J Lisbeth	Patten, Betsey
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Espels, Peter	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	

COOS

Stoni, Eric

GRAFTON

Aimy, Susan	Benn, Bernard	Bleyer, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Muholland, Catherine
Nordgren, Sharon	Sokol, Hilca		

HILLSBOROUGH

Buhlman, David	Cole, Peter	DeVries, Betsy	Dyer, Donald
Francœur, Bea	Gorman, Mary	Hall, Betty	Hinkie, Payton
Inwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Kocka, Angeline	Kirk, Neal	Lasky, Bette	Martin, Mary Ellen
Michon, Stephen	Movsesian, Lori	Pappas, Christopher	Piotto, Maurice
Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilmar	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Smith, David	Sullivan, Francis
Vallancourt, Steve	Wheeler, James		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Danforth, James	DeJole, John	DeStefano, Stephen	Kennedy, Richard
Klose, John	L'Huereux, Stephen	MacKay, James	Maxfield, Roy
McMahon, Patricia	Potter, Frances	Tilton, Joy	Wallner, Mary Jane
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Bridle, Russell
Flockhart, Eileen
McKinney, Betsy
Robinson, John

Casey, Kimberly
Francoeur, Sheila
Moody, Marcia

Cooney, Richard
Gould, Kenneth
Norelli, Terie

Donahue, Richard Ken
Major, Norman
Nowe, Ronald

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Kaen, Naida
Rollo, Michael
Wall, Janet

Brown, Jennifer
Creteau, Irene
Keans, Sandra
Schmidt, Peter

Brown, Lawrence
Domingo, Baldwin
Knowles, William
Smith, Marjorie

Campbell, W Packy
Hilliard, Dana
Miller, Joseph
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizz, James

Ferland, Brenda
Prichard, Stephen

and the committee report was adopted.

Ordered to third reading.

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot.
MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Thomas J. Langlais for the Majority of Election Law: The majority of the committee feels that this legislation would simplify in laymen's language the wording of any future constitutional amendments that may be voted on by our citizens. This would further eliminate any bias either way and pose the question in a simple voter friendly, yes or no context. This bill would have the General Court approve the language beforehand so as to avoid future litigation in the Supreme Court. Vote 11-3.
Rep. James R. Splaine for the Minority of Election Law: While the intent of the sponsors is good, this legislation gives much greater power and political voice to the majority by allowing their selected persuasive words to be written on the ballot. Editorializing does not belong on the ballot. The integrity of democracy and the credibility of the election process requires unbiased ballots and full balanced public discussion. The solution is to write ballot questions that are clear and make sense, not allowing advocacy writing printed on the ballot to get the voter to say "yes".

Rep. Splaine spoke against.

Reps. Itse and Langlais spoke in favor.

Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 166 NAYS 132

YEAS 166**BELKNAP**

Allen, Janet
Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

Boyce, Laurie
Pilliod, James
Tobin, William

Fitzgerald, James
Russell, David
Veazey, John

Millham, Alida
Thomas, John
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
McConkey, Mark
Philbrick, Donald

Chandler, Gene
Merrow, Harry

CHESHIRE

Emerson, Susan

Foote, Sheila

Hogancamp, Deborah

Sawyer, Sheldon

COOS

King, Frederick

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Dorsett, Andrew
Maybeck, Margie

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond
Williams, Burton

Giuda, Robert

HILLSBOROUGH

Balboni, Michael
Boehm, Ralph
Calawa, Leon Jr
Christiansen, Lars
Dyer, Donald
Golding, William
Hellwig, Steve
Kurk, Neal
McRae, Karen
Price, Pamela
Scanlon, Michael
Wheeler, James

Batula, Peter
Brassard, Paul
Carew, James
Coughlin, Pamela
Elliott, Nancy
Graham, John
Hirschmann, Keith
L'Heureux, Robert
Mead, Robert
Renzullo, Andrew
Slocum, Lee
Wheeler, Robert

Bergin, Peter
Brundige, Robert
Carter, Mark
Crane, Elenore Casey
Francoeur, Bea
Hansen, Ryan
Irwin, Anne-Marie
Lawrence, James
O'Brien, William
Rowe, Robert
Stepanek, Stephen

Biundo, Michael
Buhlman, David
Christensen, D L Chris
Desmarais, Vivian
Gargas, Carolyn
Hawkins, Ken
Jasper, Shawn
Manney, Pamela
O'Connell, Timothy
Ryder, Donald
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Hess, David
Langlais, Thomas
Reed, Dennis

Currier, David
Kennedy, Richard
MacKay, James
Soltani, Tony

Danforth, James
Klose, John
Marple, Richard
Whiting, Herbert

Field, William
L'Heureux, Stephen
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Camm, Kevin
Dowd, John
Forsing, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Robertson, Carl
Stiles, Nancy
Welch, David

Asselin, Michael
Bishop, Franklin
Charron, Gene
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Itse, Daniel
Lund, Howie
McMahon, Charles
Palazzo, Frank
Rolston, James
Stone, Joseph
Winchell, George

Belanger, Ronald
Bridle, Russell
Coburn, James
Fesh, Bob
Garriy, James
Hopfgarten, Paul
Johnson, Robert
Major, Norman
Morris, Richard
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin

Bettencourt, David
Buxton, Donald
Donahue, Richard Ken
Flanders, John Sr
Gilbert, Karl
Ingram, Russell
Katsakiores, George
Mason, April
Nowe, Ronald
Rausch, James
Scamman, Stella
Weare, E Albert

STRAFFORD

Albert, Russell
Campbell, W Packy
Easson, Timothy

Berube, Roger
Cataldo, Sam
Hollinger, Jeffery

Bickford, David
Chaplin, Duncan
Knowles, William

Brown, Julie
Dunlap, Patricia
Newton, Clifford

SULLIVAN

Donovan, Thomas

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 132**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas

Martin, James

CHESHIRE

Allen, Peter
Coates, Christopher
Parkhurst, Henry
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Plifka, Stanley Jr
Tilton, Anna

Butynski, William
Espiefs, Peter
Richardson, Barbara

Chase, William
Mitchell, Bonnie
Roberts, Kris

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	DeVries, Betsi
Dokmo, Cynthia	Egbers, Fran	Essex, David	Foster, Linda
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Harvey, Suzanne
Hinkle, Peyton	Holden, Randolph	Jean, Claudette	Jeady, Jean
Johnson, Paula	Kopka, Angeline	Martin, Mary Ellen	Messier, Irene
Michon, Stephen	Mooney, Maureen	Movesian, Lori	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley	Cooney, Richard
DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth	Hughes, Daniel
Langley, Jane	Moody, Marcia	Norelli, Terie	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Robinson, John	Splaine, James

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Heon, Richard	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen	

and the majority committee report was adopted.
Ordered to third reading.

HB 1123, requiring equestrian helmets for first-time riders. **INEXPEDIENT TO LEGISLATE.**
Rep. Burton W. Williams for Environment and Agriculture: The majority of the committee members felt that the use of equestrian helmets is a matter of personal responsibility rather than a legislation issue. Vote 9-3.
Committee report adopted.

HB 1130, relative to the definition of necessary shelter for dogs. **INEXPEDIENT TO LEGISLATE.**
Rep. James G. Phinizy for Environment and Agriculture: The majority of the committee felt the problem this bill tried to address would best be dealt with by better enforcement of current statute. At present, dogs are required to be sheltered from inclement weather and sun, have fresh water, be properly fed, and provided shelter that will retain the dog's natural body heat. Anything less subjects the owner to a misdemeanor fine of up to \$2000 and a class B felony for the second offence. Current statute is worded in such a manner with such latitude to allow the arresting officer or animal control officer to seize the dog immediately on probable cause, if that officer feels that the dogs

is in danger or "... left without supervision or adequate provision for its care." This bill, while its intention is to be helpful, creates more problems than it solves. For example, its one-size-fits-all definition of shelter for dogs would have made illegal some of the better quality, commercially sold doghouses. Whether a shelter has 3, 4 or 5 sides or is square, rectangular, obtuse or igloo-style should not be the issue. What is important is that it protects the dog from injury, mistreatment, unnecessary suffering or the clear and imminent threat thereof. Current law provides those protections, if enforced. Vote 12-5.
Committee report adopted.

HB 1265, establishing the council on the relationship between public health and the environment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betty B. Hall for Environment and Agriculture: This bill extends the Council on the Relationships between Public Health and the Environment. It released a comprehensive report for the years 2003-2005 and would like to continue its work. The amendment increases public membership by two individuals. Vote 8-3.

Amendment (0330h)

Amend RSA 125-P:1, I(o) as inserted by section 2 of the bill by replacing it with the following:

(o) Additional public members not to exceed 7, representing advocacy, academia, philanthropy, and other professional organizations, all appointed by the governor.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1333, relative to solid waste reduction goals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy D. O'Connell for Environment and Agriculture: The committee amendment replaced the bill. In regards to the solid waste diversion goal of 40%, neither imported tonnage nor byproducts of imported solid waste will figure in the calculation. To reduce unnecessary reliance on incineration and land filling, the hierarchy of disposal solutions is revised to only include source reduction, recycling and reuse, composting and deconstruction, as equally preferred options. Vote 11-2.

Amendment (1232h)

Amend the bill by replacing all after the enacting clause with the following:

1 Solid Waste Management Districts; Powers; References Deleted. Amend the introductory paragraph RSA 53-B:7, XX to read as follows:

XX. To contract with any person who owns or operates any facility for the provision of solid waste management services. Such contract shall be consistent with the ~~[hierarchy and]~~ goals of solid waste management under RSA 149-M:2 and RSA 149-M:3. A contract for facility use may call for delivery of guaranteed minimum tonnage, provided that said contract is in keeping with the policy set forth in RSA 149-M:2 and RSA 149-M:3. In the event that a district's delivered tonnage falls below the level stipulated in contract, the district may procure tonnage from sources outside the district, in compliance with the public benefit requirements of RSA 149-M:11 and as provided in the contract. A contract may contain such other terms and conditions as the district may determine to be in its best interest.

2 Solid Waste Management; Waste Reduction Goal. Amend RSA 149-M:2 to read as follows:
149-M:2 Waste Reduction Goal.

1. The general court declares its concern that there are environmental and economic issues pertaining to the disposal of solid waste in landfills and incinerators. It is important to reserve landfill and incinerator capacity for solid wastes which cannot be reduced, reused, recycled or composted. The general court declares that the goal of the state ~~[-by the year 2000,]~~ is to achieve a 40 percent minimum weight diversion of solid waste landfilled or incinerated on a per capita basis. Diversion shall be measured with respect to changes in waste generated *and originated* and subsequently landfilled or incinerated in New Hampshire. *In order to apply towards the 40 percent waste reduction goal, only solid wastes generated within New Hampshire shall apply and shall not include any solid wastes generated as a byproduct from solid wastes imported into New Hampshire.* The goal of weight diversion may be achieved through source reduction, recycling, reuse, and composting, or any combination of such methods. The general court discourages the disposal of recyclable materials in landfills or processing of recyclable materials in incinerators *and encourages the use of deconstruction techniques wherever possible.*

II. In exercising any and all powers conferred upon the department under this chapter, the department shall use and consider criteria relevant to the waste reduction goal [~~and disposal hierarchy established~~] in RSA 149-M:2 [~~and 149-M:3~~]. The department shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties under legal obligations existing on June 26, 1990.

3 Solid Waste Management; Achieving Goals. Amend RSA 149-M:3 to read as follows:

149-M:3 Achieving Goals[~~-Hierarchy~~]. *To reduce the unnecessary reliance on incineration and landfilling*, the general court supports integrated solid waste disposal solutions which are environmentally safe and economically sound. The general court endorses [~~in order of preference~~], *equally* the following waste management methods:

I. Source reduction.

II. Recycling and reuse.

III. Composting.

[~~IV. Waste-to-energy technologies (including incineration):~~

~~V. Incineration without resource recovery:~~

~~VI. Landfilling:]~~

IV. Deconstruction.

4 Solid Waste Management; Public Benefit Requirement; References Deleted. Amend RSA 149-M:11, III(b) to read as follows:

(b) The ability of the proposed facility to assist the state in achieving the implementation of the [~~hierarchy and~~] goals under RSA 149-M:2 and RSA 149-M:3.

5 New Paragraph; Definitions. Amend RSA 149-M:4 by inserting after paragraph IV the following new paragraph:

IV-a. "Deconstruction" means the process of taking apart a structure with the primary goal of preserving the value of all useful building materials, so that they may be recycled or reused.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill modifies the goals declared by the general court for the reduction of solid waste. This bill also defines "deconstruction."

Amendment adopted.

The question now being adoption of the committee report.

Rep. Maxfield spoke against and yielded to questions.

Rep. O'Connell spoke in favor.

Rep. Cataldo requested a roll call; sufficiently seconded.

YEAS 215 NAYS 89

YEAS 215

BELKNAP

Boyce, Laurie	Millham, Alida	Morrison, Gail	Neddeau, Stephen
Pilliod, James	Russell, David	Tobin, William	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Olimpio, J Lisbeth
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Tilton, Anna		

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Carew, James
Christensen, D L Chris	Clemons, Jane	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Egbers, Fran	Essex, David
Foster, Linda	Gargaszy, Carolyn	Gibson, John	Goley, Jeffrey
Gorman, Mary	Graham, John	Hall, Betty	Hansen, Ryan
Harvey, Suzanne	Hawkins, Ken	Hirschmann, Keith	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Jeady, Jean
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Martin, Mary Ellen	Messier, Irene	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, Robert			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Kennedy, Richard	Klose, John	Marple, Richard
McMahon, Patricia	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Asselin, Michael	Bridle, Russell	Brown, C.	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Forsing, Robert	Francoeur, Sheila	Gould, Kenneth	Ingram, Russell
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane
Mason, April	McKinney, Betsy	Moody, Marcia	Morris, Richard
Norelli, Terie	Packard, Sherman	Palazzo, Frank	Powers, James
Priestley, Anne	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Scamman, W Douglas
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Welch, David			

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Lawrence	Gilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Jillette, Arthur Jr	Phinzy, James
Prichard, Stephen			

NAYS 89**BELKNAP**

Allen, Janet
Veazey, John

Fitzgerald, James
Wendelboe, Fran

Thomas, John
Whalley, Michael

Tilton, Franklin

CARROLL

Brown, Carolyn
Stevens, Stanley

McConkey, Mark

Morrow, Harry

Patten, Betsey

CHESHIRE

Sawyer, Sheldon

COOS

Richardson, Herbert

Stohl, Eric

Toll, John Jr

GRAFTON

Dorsett, Andrew

Gionet, Edmond

Ham, Bonnie

Maybeck, Margie

HILLSBOROUGH

Balboni, Michael
Buhlman, David
Crane, Elenore Casey
Goyette, Peter Jr
McRae, Karen
Renzullo, Andrew

Bergeron, Jean-Guy
Calawa, Leon Jr
Elliott, Nancy
Hellwig, Steve
Mead, Robert
Slocum, Lee

Biundo, Michael
Carter, Mark
Francoeur, Bea
Lawrence, James
O'Brien, William
Stepanek, Stephen

Boehm, Ralph
Christiansen, Lars
Golding, William
Manney, Pamela
Ober, Lynne
Wheeler, James

MERRIMACK

Anderson, Eric
L'Heureux, Stephen
Reed, Dennis

Danforth, James
Langlais, Thomas
Soltani, Tony

Field, William
MacKay, James

Hess, David
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Carson, Sharon
Dumaine, Dudley
Headd, James
Itse, Daniel
Nowe, Ronald
Winchell, George

Belanger, Ronald
Coburn, James
Garrity, James
Hopfgarten, Paul
Lund, Howie
Quandt, Marshall Lee

Bettencourt, David
Donahue, Richard Ken
Gilbert, Karl
Hughes, Daniel
Major, Norman
Quandt, Matthew

Camm, Kevin
Dowd, John
Griffin, Mary
Introne, Robert
McMahon, Charles
Weare, E Albert

STRAFFORD

Albert, Russell
Cataldo, Sam

Bickford, David
Chaplin, Duncan

Brown, Julie
Easson, Timothy

Campbell, W Packy
Newton, Clifford

SULLIVAN

Osgood, Philip Sr
and the committee report was adopted.
Ordered to third reading.

Rodeschin, Beverly

(Speaker Scamman in the Chair)

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Burton W. Williams for Environment and Agriculture: This bill addresses a problem with the handling and disposal of grease in our municipal sewers and wastewater treatment facilities. Also, it will study ways to handle and recycle the grease that develops. Vote 13-1.

Amendment (1158h)

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) Two representatives of the department of environmental services, appointed by the commissioner of the department of environmental services.

(d) Two members appointed by the New Hampshire Association of Septage Haulers.

(e) Two members of the hospitality industry, appointed by the New Hampshire Lodging and Restaurant Association.

(f) Two members of the wastewater treatment industry, appointed by the New Hampshire Water Pollution Control Association.

(g) Two members with expertise in biodiesel research from the university of New Hampshire, appointed by the university president.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study:

I. Ways to ensure the proper recycling and disposal of grease trap wastes.

II. Systems for managing grease trap wastes currently used in the United States and Canada.

III. The status of the in-state and regional markets available for handling grease trap wastes and methods for future development of in-state disposal capacity.

IV. The ability of the department of environmental services to assist municipalities in regard to rules, regulations, penalties, and best management practices for grease trap sizes, cleaning cycles, standards, and pumping.

4 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

6 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1433, establishing a committee to study secured landfills. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James F. Powers for Environment and Agriculture: This bill is to study the need to establish secured landfills for solid wastes which are high in concentrations of toxic pollutants, including materials from recycling or separation of construction and demolition waste (C & D) and ash from incineration of solid waste. The landfill study is particularly important because some portion of the materials from construction and demolition waste will have to be placed into these landfills despite efforts to recycle, reuse or find other uses for C & D debris. It is especially necessary since Massachusetts has banned the landfilling of C & D with the result that New Hampshire is becoming an importer of that state's debris. In 2004, New Hampshire disposed of 643,652 tons of C & D debris of which nearly 200,000 tons came from outside New Hampshire. Consistent with planning for the state's future needs in a sensible and logical manner, the majority of the committee also felt it important to extend the moratorium on burning C & D until the study committee established by HB 517, Chapter 205, Laws of 2005, produces its report, which will have an impact on the state's landfill needs. The Governor's office and the Commissioner of the Department of Environmental Services testified before the committee strongly in support of this extension of the moratorium so that it would coincide with the recommendations of both the HB 517 study and this study. Vote 14-3.

Amendment (1079h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study secured landfills and establishing a moratorium on the incineration of construction and demolition waste.

Amend the bill by replacing all after section 5 with the following:

6 Incineration Moratorium. Notwithstanding any provision of law to the contrary, there is hereby established a moratorium on the disposal of construction and demolition waste by incineration until December 31, 2007. This moratorium shall not apply to any municipal waste combustor subject to RSA 149-M or to any municipal incinerator as defined in RSA 149-M, that is permitted by the department of environmental services and was in operation on January 1, 2005.

7 Effective Date.

I. Section 6 of this act shall take effect June 30, 2006.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study secured landfills and establishes a moratorium on the incineration of construction and demolition waste.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Maxfield spoke against and yielded to questions.

On a division vote, 209 members having voted in the affirmative and 79 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1551, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators. **REFER FOR INTERIM STUDY.**

Rep. Betty B. Hall for Environment and Agriculture: Realizing that "pay as you throw" programs result in significant solid waste reduction in landfills and incinerators, exploring innovative incentives for "pay as you throw" is warranted. Vote 9-4.

Committee report adopted.

HB 1594-FN, relative to eligibility of an owner of a dog or cat to participate in the animal population control program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James G. Phinizz for Environment and Agriculture: The state spay neuter fund was started over ten years ago. It has been highly successful; however, the funds, which come solely from dog licensing, are depleted usually within the first three quarters of the year due to the demand. There are two parts to this popular program. Vouchers for spaying or neutering dogs and cats are given out through shelters and humane societies when dogs and cats are adopted. These vouchers are dispensed regardless of income. The other part of the program consists of participation directly through veterinarians. Individuals who pass a means test receive a voucher and have their animals altered. The majority of the committee feels that it is important to direct the funds where they can do the most good, towards providing low cost spaying and neutering for individuals on limited means. This bill, as amended, not only brings the program completely in line with other state assistance programs by applying means testing uniformly and across the board, it will concentrate the funds where they are needed most regardless of whether the dog or cat is adopted from a shelter, humane society or the neighbor down the road. Every other aspect of this successful program will remain the same. For example, veterinarians will still be compensated for the animal's first visit and initial inoculations. Vote 14-3.

Amendment (1107h)

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 New Paragraph; Advertisement for Spay and Neuter Program. Amend RSA 437-A:3 by inserting after paragraph II the following new paragraph:

III. Any animal shelter facility, pet store, breeder, or other facility that sells cats or dogs may display the criteria listed in RSA 437-A:3 in a prominent place and advise purchasers or adopters of cats or dogs of the criteria at the time of sale or adoption.

AMENDED ANALYSIS

This bill repeals the provision of law allowing a person who has adopted a dog or cat from an animal shelter to participate in the animal population control program for sterilization. This bill also allows shelters and other dog and cat sellers to advertise the criteria for eligibility in the animal population control program for sterilization.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Phinizy spoke in favor.

On a division vote, 141 members having voted in the affirmative and 144 in the negative, the committee report failed.

Rep. Bicknell moved Inexpedient to Legislate.

Adopted.

HCR 24, a resolution supporting the increased production of renewable energy by the agricultural community. **INEXPEDIENT TO LEGISLATE.**

Rep. David L. Babson for Environment and Agriculture: Unfortunately, this bill was not acted upon in a timely fashion which now requires an ITL recommendation. The resolution is part of a nation wide campaign to promote alternative fuel sources. The committee may propose another action on the House floor. Vote 14-0.

Committee report adopted.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Charles E. McMahon for the Majority of Health, Human Services and Elderly Affairs: The intent of the bill is to require hospitals to provide data on the incidence of hospital acquired infections (HAI), their incidence rates and to make them available for public review. This is an important part of ensuring confidence in the level of quality care provided at health care facilities utilized by all of us in New Hampshire. When New Hampshire citizens make a decision as to where to go for a medical procedure, they deserve timely and accurate information as to a facilities' quality of care which is critical in making an informed decision. Testimony heard in committee highlighted the need for identifying the incidence of hospital acquired infections, possible methods to reduce the causes and finally, procedures in how this data is provided to the public. It is imperative that the information be validated and risk adjusted by hospital and by procedure performed. This is the work that would be performed through the Department of Health and Human Services working with the Foundation for Healthy Communities, New Hampshire's hospitals and surgical centers and health care professionals in the state. This information would be made available via a web site for public review, respecting the individual's confidentiality while fostering cooperation between the state and all health facilities. The committee agreed that the bill, upon completion of this important work, provided the citizens of New Hampshire the information required to evaluate an institution as to rates of infection and quality of care. The confidence in the information would be supported by the Health and Human Services Department and the state through the directive of this bill by the legislature to establish protocols for data validation and risk adjustment. With existing resources to assist the department such as the New Hampshire Health Care Quality Assurance Committee authorized in 2005 via HB 514 and the Foundation for Healthy Communities, a non-profit partnership of hospitals, doctors and health plans, the state's commitment to achieving the goal of reducing HAI's, improving health care quality and saving lives can and will be met. We resolve, with the passage of this bill, to provide the opportunity to improve the lives of New Hampshire citizens by setting a higher standard of care. Vote 13-4.

Rep. Joseph M. Miller for the Minority of Health, Human Services and Elderly Affairs: While hospital acquired infections have been a well recognized dilemma for infectious disease experts working to improve care and reduce hospital morbidity, New Hampshire had already taken steps to address this problem. HB 514, sponsored by a bipartisan group of legislators from both House and Senate, and signed into law in June 2005, had already established a commission to study medical errors and other adverse events. The Foundation for Healthy Communities, a non-profit New Hampshire health consortium, became the commission's administrator and quickly identified healthcare associated infections as its first priority. With help from the federally designated Quality Improvement Organization, the commission established a liaison with all twenty-six New Hampshire acute care hospitals and existing ambulatory surgical units to make public evidence-

based information of validated hospital infections. The first report of these data is scheduled for release on June 1, 2006. HB 1741 will now vitiate the good work of that commission and assign these functions to personnel at the Department of Health and Human Services, whose expertise and epidemiologic-trained personnel appear to have limited experience in this area of research. Also, the budget for re-starting this endeavor will require substantially large state funding.

Majority Amendment (1043h)

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Reporting of Hospital Infections. Amend RSA 151 by inserting after section 31 the following new subdivision:

Reporting of Hospital Infections

151:32 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of health and human services.

II. "Department" means the department of health and human services.

III. "Infection" means any localized or systemic patient condition that resulted from the presence of an infectious agent or agents, or its toxin or toxins as determined by clinical examination.

151:33 Hospitals Required to Report.

I. Any hospital licensed pursuant to this chapter shall maintain a program capable of identifying and tracking infections for the purpose of reporting under this section. Such program shall have the capacity to identify the following elements:

(a) The specific infectious agents or toxins and site of each infection;

(b) The clinical department or unit within the facility where the patient first became infected, or is first diagnosed; and

(c) The patient's diagnoses at time of admission and any relevant specific surgical, medical, or diagnostic procedure performed during the current admission.

II.(a) Hospitals shall initially identify, track, and report infections to include:

(1) Central line related bloodstream infections;

(2) Ventilator associated pneumonia; and

(3) Surgical wound infections.

(b) Hospitals shall also initially identify, track, and report process measures including:

(1) Adherence rates of central line insertion practices;

(2) Surgical antimicrobial prophylaxis; and

(3) Coverage rates of influenza vaccination for health care personnel and patients/residents.

III. Subsequent to the initial requirements identified in paragraph II, the department shall, from time to time, require the tracking and reporting of other types of infections, including urinary tract infections when reporting protocols are identified by the department, that occur in hospitals in consultation with technical advisors who are regionally or nationally-recognized experts in the prevention, identification, and control of hospital infections and the reporting of performance data. The department shall make progress reports every 6 months to the oversight committee on health and human services, established in RSA 126-A:13, concerning the development of reporting protocols for tracking of urinary tract infections and shall notify the oversight committee on health and human services when the tracking of urinary tract infections has commenced which shall be on or before July 1, 2007.

IV. The department shall establish guidelines, definitions, criteria, standards, and coding for hospital identification, tracking, and reporting of infections which shall be consistent with the recommendations of recognized centers of expertise in the identification and prevention of infections including, but not limited to the National Health Care Safety Network and the Healthcare Infection Control Practices Advisory Committee of the Centers for Disease Control and Prevention or its successor, the Joint Commission on the Accreditation of Healthcare Organizations, the Centers for Medicare and Medicaid Services, the Hospital Quality Alliance, the National Quality Forum, and the New Hampshire health care quality assurance commission under RSA 151-G.

V. Each hospital shall regularly report to the department the hospital infection data it has collected. The commissioner shall establish data collection and analytical methodologies that meet accepted standards for validity and reliability. In no case shall the frequency of reporting be required to be more frequently than once every 3 months, and reports shall be submitted not more than 60 days after the close of the reporting period.

151:34 Statewide Database Required.

I. The department shall establish a statewide database of all reported infection information for the purpose of monitoring quality improvement and infection control activities in hospitals. The database shall be organized so that consumers, hospitals, health care professionals, purchasers, and payers may compare individual hospital experience with that of other individual hospitals as well as regional and statewide averages and, where available, national data.

II.(a) Subject to subparagraph (c), on or before June 1 of each year, provided that the data collection and analytical methodologies meet accepted standards for validity and reliability, the commissioner shall report on the department's web site infection rates both exclusive and inclusive of adjustments for potential differences in risk factors for each reporting hospital, an analysis of trends in the prevention and control of infection rates in hospitals across the state, regional and, if available, national comparisons for the purpose of comparing individual hospital performance, and a narrative describing lessons for safety and quality improvement that can be learned from leadership hospitals and programs.

(b) The commissioner shall consult with technical advisors who have regionally or nationally acknowledged expertise in the prevention and control of infections and infectious diseases in order to develop the adjustment for potential differences in risk factors to be used for public reporting.

(c)(1) Within 180 days of the effective date of this section, the department shall establish an infection reporting system capable of receiving electronically transmitted reports from hospitals. Whether or not the department has established such a reporting system, hospitals shall begin to submit reports as required by this section within 6 months of the effective date of this section.

(2) The first 6 months of data submission under this section shall be considered the "pilot phase" of the statewide infection reporting system. The purpose of the pilot phase is to ensure, by various means, the completeness and accuracy of infection reporting by hospitals.

(3) No later than 60 days after the conclusion of the pilot phase, the commissioner shall issue a report to hospitals and to the oversight committee on health and human services assessing the overall accuracy of the data submitted in the pilot phase and provide guidance for improving the accuracy of infection reporting.

(4) After the pilot phase is completed, all data submitted under this section and compiled in the statewide infection database established under this section and all public reports derived therefrom shall include hospital identifiers.

(5) The first public report required pursuant to subparagraph (4) shall be made not later than 7 months after the completion date of the pilot phase.

III. To assure the accuracy of the self-reported hospital infection data and to assure that public reporting fairly reflects what actually is occurring in each hospital, the department shall make a quarterly report to the oversight committee on health and human services on its infection rate data. If the commissioner is not satisfied with the overall accuracy of the data submitted, the commissioner shall validate the results and the methodology used to collect and analyze the data. The commissioner shall notify the oversight committee on health and human services relative to the validation of such data. After notification to the oversight committee, the commissioner may release such information to the public. If, however, the commissioner concludes that he or she is unable to adequately validate the data, the commissioner shall notify the oversight committee on health and human services of that fact and the reasons therefor and, in that case, the commissioner shall not be required to include hospital identifiers in the information released to the public.

2 New Subparagraph; New Hampshire Health Care Quality Commission; Member Added. Amend RSA 151-G:1, II by inserting after subparagraph (3) the following new subparagraph:

(4) The state epidemiologist, department of health and human services.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires hospitals to report on infections to the department of health and human services. Under this bill, the commissioner of the department of health and human services is required to establish a statewide database for the purposes of public reporting.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 226 NAYS 65**YEAS 226****BELKNAP**

Allen, Janet
Morrison, Gail
Tobin, William

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Fitzgerald, James
Russell, David
Whalley, Michael

Millham, Alida
Thomas, John

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsy

Chandler, Gene
McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Emerson, Susan
Hunt, John

Butcher, Suzanne
Espiefs, Peter
Mitchell, Bonnie

Butynski, William
Foote, Sheila
Parkhurst, Henry

Dunn, J Timothy
Hogancamp, Deborah
Richardson, Barbara

COOS

Buzzell, Bernard
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Andersen, Gene
Giuda, Robert

Cooney, Mary
Ham, Bonnie

Eaton, Stephanie
Maybeck, Margie

Gionet, Edmond
Williams, Burton

HILLSBOROUGH

Balboni, Michael
Bergin, Peter
Buhlman, David
Carter, Mark
Desmarais, Vivian
Essex, David
Gibson, John
Graham, John
Jasper, Shawn
Lawrence, James
Mead, Robert
O'Connell, Timothy
Price, Pamela
Scanlon, Michael
Sullivan, Peter
Wheeler, Robert

Batula, Peter
Biundo, Michael
Calawa, Leon Jr
Christiansen, Lars
Dokmo, Cynthia
Foster, Linda
Golding, William
Hellwig, Steve
Johnson, Paula
Manney, Pamela
Messier, Irene
Ober, Lynne
Renzullo, Andrew
Schulze, Joan
Vaillancourt, Steve

Beaulieu, Jane
Boehm, Ralph
Campbell, David
Coughlin, Pamela
Dyer, Donald
Francoeur, Bea
Gorman, Mary
Hirschmann, Keith
Kurk, Neal
Martin, Mary Ellen
Mooney, Maureen
Pappas, Christopher
Rowe, Robert
Shaw, Kimberly
Villeneuve, Maurice

Bergeron, Jean-Guy
Brundige, Robert
Carew, James
Crane, Elenore Casey
Elliott, Nancy
Gargas, Carolyn
Goyette, Peter Jr
Holden, Randolph
L'Heureux, Robert
McRae, Karen
O'Brien, William
Pepino, Leo
Ryder, Donald
Slocum, Lee
Wheeler, James

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
L'Heureux, Stephen
Maxfield, Roy
Ryan, Jim
Whiting, Herbert

Blanchard, Elizabeth
Danforth, James
Hess, David
Langlais, Thomas
McMahon, Patricia
Shurtleff, Stephen

Bouchard, Candace
DeStefano, Stephen
Kennedy, Richard
MacKay, James
Osborne, Jessie
Soltani, Tony

Brueggemann, Donald
Field, William
Klose, John
Marple, Richard
Reed, Dennis
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Cady, Harriet

Asselin, Michael
Bridle, Russell
Cali-Pitts, Jacqueline

Belanger, Ronald
Brown, C.
Camm, Kevin

Bettencourt, David
Buxton, Donald
Carson, Sharon

Charron, Gene
 Donahue, Richard Ken
 Flanders, John Sr
 Garrity, James
 Hopfgarten, Paul
 Itse, Daniel
 Lund, Howie
 McMahon, Charles
 Packard, Sherman
 Quandt, Marshall Lee
 Robinson, John
 Stiles, Nancy
 Weyler, Kenneth

Coburn, James
 Dowd, John
 Flockhart, Eileen
 Gilbert, Karl
 Hughes, Daniel
 Johnson, Robert
 Major, Norman
 Moody, Marcia
 Palazzo, Frank
 Quandt, Matthew
 Rolston, James
 Waterhouse, Kevin
 Winchell, George

Cooney, Richard
 Dumaine, Dudley
 Forsing, Robert
 Gould, Kenneth
 Ingram, Russell
 Katsakiores, George
 Mason, April
 Morris, Richard
 Powers, James
 Rausch, James
 Scamman, Stella
 Weare, E Albert

DiFruscia, Anthony
 Fesh, Bob
 Francoeur, Sheila
 Griffin, Mary
 Introne, Robert
 Katsakiores, Phyllis
 McKinney, Betsy
 Nowe, Ronald
 Priestley, Anne
 Robertson, Carl
 Splaine, James
 Welch, David

STRAFFORD

Berube, Roger
 Brown, Lawrence
 Cilley, Jacalyn
 Hofemann, Roland
 Keans, Sandra
 Wall, Janet

Bickford, David
 Campbell, W Packy
 Creteau, Irene
 Hollinger, Jeffrey
 Newton, Clifford

Brown, Jennifer
 Cataldo, Sam
 Dunlap, Patricia
 Johnson, Nancy
 Rollo, Michael

Brown, Julie
 Chaplin, Duncan
 Easson, Timothy
 Kaen, Naida
 Spang, Judith

SULLIVAN

Cloutier, John
 Franklin, Peter
 Rodeschin, Beverly

Converse, Larry
 Gale, Harry

Donovan, Thomas
 Jillette, Arthur Jr

Ferland, Brenda
 Phinzy, James

NAYS 65 BELKNAP

Pilliod, James

Tilton, Franklin

CARROLL

Buco, Thomas

CHESHIRE

Chase, William
 Sawyer, Sheldon

Plifka, Stanley Jr
 Tilton, Anna

Roberts, Kris

Robertson, Timothy

COOS

King, Frederick

Mears, Edgar

GRAFTON

Almy, Susan
 Harding, A Laurie
 Solomon, Peter

Benn, Bernard
 McLeod, Martha
 Sorg, Gregory

Bleyler, Ruth
 Nordgren, Sharon

Hammond, Lee
 Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
 Cote, Peter
 Goley, Jeffrey
 Irwin, Anne-Marie
 Michon, Stephen
 Shattuck, Gilman

Christensen, D L Chris
 Craig, James
 Hall, Betty
 Jean, Claudette
 Movsesian, Lori
 Shaw, Barbara

Clemons, Jane
 DeVries, Betsi
 Harvey, Suzanne
 Kopka, Angeline
 Pilote, Maurice
 Smith, David

Cote, David
 Egbers, Fran
 Hawkins, Ken
 Lasky, Bette
 Rosenwald, Cindy
 Sullivan, Francis

MERRIMACK

Clarke, Claire
 Rush, Deanna
 Yeaton, Charles

DeJoie, John
 Tupper, Frank

French, Barbara
 Wallner, Mary Jane

Potter, Frances
 Williams, Robert

ROCKINGHAM

Casey, Kimberley

Norelli, Terie

Sanders, Elisabeth

STRAFFORD

Heon, Richard
Smith, MarjorieHilliard, Dana
Taylor, Kathleen

Miller, Joseph

Schmidt, Peter

SULLIVAN

Osgood, Philip Sr

Prichard, Stephen

and the majority committee report was adopted.

Ordered to third reading.

Rep. Ulery did not vote and notified the Clerk that he wished to be recorded in favor.

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Deborah J. Hogancamp for the Majority of Health, Human Services and Elderly Affairs: This bill, as amended, establishes an electronic controlled drug prescription monitoring program within the Department of Health and Human Services. There were 40 deaths from prescription drug abuse in NH in 1999, but by 2005 the number of deaths had risen to 147 – a 150% increase. The intent of this bill is far reaching – to reduce the mortality, morbidity and criminal activity associated with prescription drug diversion. The committee heard testimony from other states who have years of experience in running similar programs. The programs have been successful in helping those addicted to prescription drugs through treatment, while protecting individual privacy. Twenty-two states have addressed this issue by establishing similar programs, and have proved effective in reducing deaths and prescription drug addiction. These states include ME, MA, RI, NY, PA, and pending legislation in Vermont. This bill, as amended, establishes a data base to monitor controlled prescription drugs listed in Schedule II-IV. This program will be consistent with American Society for Automation in Pharmacy Standards. The program will be administered by an Advisory Committee comprised of representatives from health care regulatory boards, health care practitioners, the Attorney General's office and a single law enforcement officer, thus maintaining a health care focus. Costs associated with the design, implementation and administration of the program will be paid through grants and gifts. There are federal grants available to fund each step of establishing the program; however, should grants no longer be available, the bill allows the commissioner to use fees to support the program. Patient confidentiality in the program was discussed and investigated at length. Existing programs in Maine and Kentucky have reported no security breaches. The databases have proved over time to be more secure than those found in pharmacies. Currently, the prescription information that will be contained in this program database is already held in databases in pharmacies around the state. This program brings the prescription information together in one database and allows controlled practitioner access to help provide patients with safe, appropriate medical care. Access to patient-identified data is limited to 5 entities and the individual. Unauthorized access and dissemination of anyone's personal data is a class B felony. The bill, as amended, does not allow fishing expeditions through the limited access. This program has been developed over 5 years by a number of medical practitioners, pharmacists, law enforcement officials (including the state medical examiner), and interested members of the public. It was supported by the Attorney General's Office, State Medical Examiner, physicians practicing pain management and addiction treatment, as well as the Department of Health and Human Services. Vote 11-7.

Rep. Cindy Rosenwald for the Minority of Health, Human Services and Elderly Affairs: The minority agrees that prescription drug abuse is a problem and that monitoring controlled substances will help cut down on the fraudulent use of prescription drugs. The question is what kind of program can target most efficiently the abuse problems while also protecting the privacy rights of the majority of New Hampshire's residents. The minority believes the committee amendment is far broader than necessary. The privacy of nearly a third of New Hampshire's population will be needlessly put at risk when a large amount of private personal and medical information is collected in an electronic database. To put this into perspective, methadone by itself accounted for one third of all drug deaths in New Hampshire last year. Further, among all the people who died from using drugs, 35 specific prescription drugs were identified. Yet, the committee amendment will collect the prescription records on nearly 200 drugs and result in the inclusion of significant personal and medical information in a new electronic database for

almost 400,000 people. Along with patients whose doctors have prescribed narcotics, the individuals in the database will include children treated for ADHD, men who are treated for sexual problems, and thousands of people who take sleep aids or drugs for anxiety. The minority has grave concerns about the security of such a database, particularly given that one of New Hampshire's important electronic databases was recently hacked. Several other states have reported security breaches where personal information has fallen into the wrong hands. The minority believes that adding criminal penalties for willful misuse of someone's private medical information does not make up for the embarrassment caused by accidental misuse. We believe a more effectively targeted program should be developed to balance privacy rights of the majority of patients in New Hampshire who legitimately receive prescriptions for controlled drugs with the need to find those drug addicts fraudulently obtaining prescription drugs.

Majority Amendment (1129h)

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Controlled Drug Prescription Monitoring Program Act. Amend RSA 318-B by inserting after section 30 the following new subdivision:

Controlled Drug Prescription Monitoring Program Act

318-B:31 Definitions. In this subdivision:

I. "Committee" means the controlled prescription drug advisory committee established in RSA 318-B:33.

II. "Department" means the department of health and human services.

III. "Dispenser" means a person who delivers a schedule II-IV controlled prescription drug or its analog to the ultimate user but does not include:

(a) A licensed hospital pharmacy that distributes such drugs for the purpose of inpatient hospital care.

(b) A practitioner, or other authorized person who administers such a drug.

(c) A wholesale distributor of a schedule II-IV controlled prescription drug or its analog.

318-B:32 Controlled Drug Prescription Monitoring Program; Penalties.

I. The department shall design and establish an electronic system consistent with the American Society for Automation in Pharmacy (ASAP) standards to monitor the prescribing and dispensing of controlled prescription drugs listed in schedules II, III, and IV, and other additional prescription drugs demonstrating a potential for abuse, by practitioners within the state, and the dispensing of such controlled prescription drugs to an individual at a specific address within the state by a pharmacy permitted by or registered with the pharmacy board.

II.(a) Each dispenser shall submit to the department, within 15 days of the last day of each month by electronic means, information regarding each dispensing of a controlled prescription drug. The information submitted for each dispensing shall include, but not be limited to:

(1) Dispenser's DEA registration number.

(2) Prescriber's DEA registration number.

(3) Date of dispensing.

(4) Prescription number.

(5) Prescription is new or a refill.

(6) Number of refills granted.

(7) NDC Code of drug dispensed.

(8) Quantity dispensed.

(9) Number of days supply of drug.

(10) Patient's name.

(11) Patient's address.

(12) Patient's date of birth.

(13) Patient's telephone number.

(14) Date prescription was written by prescriber.

(b) This section does not apply to controlled drugs:

(1) Administered by a health care practitioner directly to a patient.

(2) Dispensed by a health care practitioner authorized to dispense pursuant to RSA 318:42 and RSA 318-B:10.

(3) Either dispensed by a pharmacist or administered by a health care practitioner to an in-patient or resident receiving care from a hospital, nursing home, assisted living facility, home health care agency, hospice, or intermediate care facility for the developmentally disabled or mentally ill which is licensed in this state.

III. Any person who knowingly fails to submit this information within the time period designated in paragraph II or knowingly submits incorrect information shall be guilty of a violation for which a civil fine shall be imposed. The fine schedule shall be established by rule, pursuant to RSA 541-A, and shall not exceed a maximum of \$500 per violation.

IV. Any person who knowingly fails to report the dispensing of a controlled prescription drug listed in schedules II-IV, as required by this section, shall be guilty of a violation and subject to the penalties established under RSA 318-B:26 and Ph 710 of the pharmacy board's administrative rules.

V. Any person who knowingly engages in prescribing or dispensing of controlled prescription drugs without having registered with the pharmacy board shall be guilty of a violation for which a civil penalty may be imposed. The civil penalties shall be established by rule adopted by the pharmacy board pursuant to RSA 541-A.

VI. The department shall develop a system of registration for all prescribers and dispensers of controlled substances within the state. The contents of the application and any fee for registration shall be established by the commissioner by rule, pursuant to RSA 541-A.

VII. All costs incurred by the department for implementing the prescription monitoring system shall be supported through grants or gifts, or both, dedicated specifically for such system. Thereafter, the program shall be self-funding by either the aforementioned grants, gifts, or fees charged under this paragraph. The department may charge a fee to an individual who requests their own program information or to a person who requests statistical, aggregate, or non-personally identified information from the program. The department may charge a fee to an individual who requests information for public research, policy, or education purposes as long as all information revealing the identity of the patient, the prescriber, the dispensing pharmacist, or the dispensing pharmacy has been removed. A fee charged for an individual's request shall not exceed the actual cost of providing the requested information.

VIII. No person shall procure, dispense, administer, or prescribe a controlled drug without having first obtained a registration to do so from the department. An application together with any fee that may be required by the department shall be filed annually on or before October 1.

318-B:33 Advisory Committee Established.

I. There is hereby established an advisory committee to assist the commissioner in carrying out his or her duties under this subdivision. The members of the committee shall be as follows:

- (a) A representative of the New Hampshire board of medicine, appointed by the board.
- (b) A representative of the pharmacy board, appointed by the board.
- (c) A representative of the board of dental examiners, appointed by the board.
- (d) A representative of the New Hampshire nursing board, appointed by the board.
- (e) The attorney general, or designee.
- (f) The commissioner of the department of health and human services, or designee.
- (g) A representative of the New Hampshire Medical Society, appointed by the society.
- (h) A representative of the New Hampshire Dental Society, appointed by the society.
- (i) A representative of the New Hampshire Association of Chiefs of Police, appointed by the association.

(j) A representative of a retail pharmacy, appointed jointly by the New Hampshire Pharmacists Association, the New Hampshire Independent Pharmacy Association, and the New Hampshire Association of Chain Drug Stores.

II. In addition to the duties under RSA 318-B:34, the purpose of the committee shall be to:

(a) Adopt and revise the criteria for reviewing the prescribing and dispensing information collected.

(b) Adopt and revise the criteria for reporting matters to the applicable health care regulatory board for further investigation.

(c) Adopt and revise the criteria for reporting matters to and working cooperatively with, the appropriate law enforcement agency for further investigation.

(d) Adopt and revise the criteria for notifying health care providers of individuals that are engaged in obtaining controlled substances from multiple prescribers.

(e) Collect information on the outcomes and impact of the prescription monitoring program including: user satisfaction, impact on prescribing patterns, impact on referrals to regulatory boards and law enforcement entities, and other relevant measures.

III. The committee shall meet on a quarterly basis and other times as determined by the committee to discharge its responsibilities and to evaluate data.

318-B:34 Access to Prescription Information.

I. Prescription information submitted to the department shall be confidential and not be subject to RSA 91-A, except as provided under paragraphs III and IV. Information contained in the program and any information obtained from it, and information contained in the records of requests for information from the program, is privileged and strictly confidential, is not a public record, and is not subject to discovery, subpoena, or other means of legal compulsion for release except as provided in this section. Information from the program shall not be released, shared with an agency or institution, or made public except as provided in this chapter. Information collected for the program shall be retained by the program for 4 years. The information shall then be destroyed.

II. The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained, is not disclosed to persons except as provided in paragraphs III and IV.

III. The committee may review the prescription information as outlined in RSA 318-B:33. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the committee shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity and provide prescription information required or necessary for an investigation.

IV.(a) The committee may provide data from the prescription monitoring program to the following persons and entities:

(1) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients.

(2) An individual who requests his or her own prescription monitoring information.

(3) The state boards listed in RSA 318-B:33, the board of registration in optometry, and the board of podiatry.

(4) Local, state, and federal law enforcement or prosecutorial officials and others as established by rule, pursuant to RSA 541-A, engaged in the administration, investigation or enforcement of the laws governing licit drugs.

(5) The department of health and human services.

(6) A court in a criminal matter or a grand jury which requests such information.

(b) The committee may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify prescribers, individual patients, and persons who received prescriptions from a dispenser.

318-B:35 Authority to Contract. The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the controlled drug prescription monitoring program.

318-B:36 Rulemaking. The commissioner shall adopt rules pursuant to RSA 541-A, relative to:

I. A schedule of fines under RSA 318-B:32, III.

II. Content and format of all forms required under this subdivision.

III. Procedures, meetings, and conduct of the advisory committee established in RSA 318-B:33.

318-B:37 Limitation of Liability. Any agency or individual who provides or receives information in good faith from the controlled drug prescription monitoring program shall not be liable for civil damages, be prosecuted criminally, or be subjected to disciplinary action by an employer.

318-B:38 Unauthorized Access, Alteration, Destruction, or Disclosure of Information. A person is guilty of a class B felony if the person knowingly discloses or attempts to disclose, or uses or attempts to use, prescription monitoring information except as authorized in this subdivision or as otherwise authorized by law.

Amend the bill by replacing section 5 with the following:

5 New Section: Positive Identification Required. Amend RSA 318-B by inserting after section 9 the following new section:

318-B:9-a Positive Identification Required.

I.(a) A pharmacist shall not dispense a controlled substance listed in schedule II, III, or IV to a patient or a patient's agent without first determining, in the exercise of his or her professional

judgment, that the order is valid. A pharmacist or pharmacist's agent shall request the patient's or patient's agent's identification information prior to dispensing any controlled substance. Appropriate identification shall be in the form of:

(1) A valid driver's license of the patient or patient's agent, issued under New Hampshire law or the law of any other state;

(2) A valid military identification issued to either the patient or the patient's agent; or

(3) Any other government issued photo identification document.

(b) If the patient or patient's agent does not have the appropriate identification, the pharmacist may dispense the controlled substance only when the pharmacist determines, in the exercise of his or her professional judgment, that the order is valid and includes such information in the patient's record. The commissioner may adopt, by rule, under RSA 541-A, the required patient information for controlled drug dispensing and procedures for a pharmacist to verify the validity of a prescription for a controlled substance in which the pharmacist was not provided the required information.

II. Any pharmacist that dispenses by mail, a controlled prescription drug, listed in schedule II, III, or IV shall be exempt from the requirement to obtain suitable identification for that prescription dispensed by mail.

III. Any controlled prescription drug listed in schedule II, III, or IV may be dispensed by a pharmacist upon an oral or electronic prescription if, before filling the prescription, the pharmacist reduces it to writing, pursuant to the requirements of RSA 318-B:9, III, IV, and V or records it electronically, if permitted by federal law. Such prescriptions shall contain the date of the oral or electronic authorization.

Majority committee amendment adopted.

Rep. Hess offered floor amendment (1267h)

Floor Amendment (1267h)

Amend RSA 318-B:34, III as inserted by section 2 of the bill by replacing it with the following:

III. The committee may review only the prescription information as outlined in RSA 318-B:33, III after removing information that could be used to identify prescribers, individual patients, and persons who received prescriptions from a dispenser. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the committee shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity and provide prescription information required or necessary for an investigation.

Amend RSA 318-B:34, IV(a)(4) as inserted by section 2 of the bill by replacing it with the following:

(4) Local, state, and federal law enforcement or prosecutorial officials and others as established by rule, pursuant to RSA 541-A, engaged in the investigation or enforcement of the laws governing licit drugs.

Rep. Hess spoke in favor.

Floor amendment (1267h) adopted.

The question now being adoption of the majority committee report as amended.

Reps. Keans, Rosenwald and Miller spoke against.

Reps. Hess and MacKay spoke in favor.

Rep. Hogancamp spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Hess requested a roll call; sufficiently seconded.

YEAS 139 NAYS 134

YEAS 139

BELKNAP

Allen, Janet
Morrison, Gail
Thomas, John
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Fitzgerald, James
Pilliod, James
Tobin, William

Millham, Alida
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J David
Stevens, Stanley

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Morrow, Harry

Dickinson, Howard
Patten, Betsey

CHESHIRE

Butcher, Suzanne	Butynski, William	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Tilton, Anna

COOS

Buzzell, Bernard	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Cooney, Mary	Giuda, Robert	Harding, A Laurie	McLeod, Martha
Nordgren, Sharon	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter
Brundige, Robert	Carter, Mark	Christensen, D L Chris	Coughlin, Pamela
Craig, James	Desmarais, Vivian	DeVries, Betsi	Dyer, Donald
Elliott, Nancy	Gibson, John	Golding, William	Graham, John
Hawkins, Ken	Hirschmann, Keith	Holden, Randolph	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilote, Maurice	Price, Pamela	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Scanlon, Michael	Sullivan, Peter	Villeneuve, Maurice
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Field, William	Hess, David
Kennedy, Richard	Klose, John	L'Heureux, Stephen	MacKay, James
Maxfield, Roy	Soltani, Tony	Tilton, Joy	Whiting, Herbert

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dowd, John	Dumaine, Dudley	Flanders, John Sr	Forsing, Robert
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Ingram, Russell	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	McKinney, Betsy
McMahon, Charles	Morris, Richard	Nowe, Ronald	Packard, Sherman
Palazzo, Frank	Rolston, James	Sanders, Elisabeth	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weyler, Kenneth	Winchell, George		

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn
Easson, Timothy	Newton, Clifford	Rollo, Michael	

SULLIVAN

Converse, Larry	Osgood, Philip Sr
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NAYS 134**BELKNAP**

None

CARROLL

Babson, David Jr	Buco, Thomas	Martin, James	Olimpio, J Lisbeth
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CHESHIRE

Chase, William	Dunn, J Timothy	Parkhurst, Henry	Plifka, Stanley Jr
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon

COOS

King, Frederick

Mears, Edgar

GRAFTON

Almy, Susan
Gionet, Edmond
Sokol, Hilda

Andersen, Gene
Ham, Bonnie

Benn, Bernard
Hammond, Lee

Bleyler, Ruth
Maybeck, Margie

HILLSBOROUGH

Baroody, Benjamin
Buhlman, David
Christiansen, Lars
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Kopka, Angeline
Manney, Pamela
Movsesian, Lori
Shaw, Barbara
Vaillancourt, Steve

Beaulieu, Jane
Calawa, Leon Jr
Crane, Elenore Casey
Foster, Linda
Gorman, Mary
Hellwig, Steve
Kurk, Neal
Martin, Mary Ellen
Rosenwald, Cindy
Shaw, Kimberly
Wheeler, James

Biundo, Michael
Campbell, David
Dokmo, Cynthia
Francoeur, Bea
Goyette, Peter Jr
Irwin, Anne-Marie
Lasky, Bette
McRae, Karen
Schulze, Joan
Slocum, Lee

Boehm, Ralph
Carew, James
Egbers, Fran
Gargas, Carolyn
Hall, Betty
Jasper, Shawn
Lawrence, James
Messier, Irene
Shattuck, Gilman
Smith, David

MERRIMACK

Bouchard, Candace
DeJoie, John
McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Osborne, Jessie
Ryan, Jim
Walz, Mary Beth

Clarke, Claire
French, Barbara
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Danforth, James
Marple, Richard
Reed, Dennis
Tupper, Frank

ROCKINGHAM

Allen, Mary
DiFruscia, Anthony
Hopfgarten, Paul
Mason, April
Priestley, Anne
Robertson, Carl

Brown, C.
Fesh, Bob
Hughes, Daniel
Moody, Marcia
Quandt, Marshall Lee
Robinson, John

Cali-Pitts, Jacqueline
Flockhart, Eileen
Itse, Daniel
Norelli, Terie
Quandt, Matthew
Scamman, Stella

Casey, Kimberley
Francoeur, Sheila
Langley, Jane
Powers, James
Rausch, James

STRAFFORD

Berube, Roger
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Taylor, Kathleen

Brown, Jennifer
Dunlap, Patricia
Johnson, Nancy
Schmidt, Peter
Wall, Janet

Brown, Julie
Heon, Richard
Kaen, Naida
Smith, Marjorie

Brown, Lawrence
Hilliard, Dana
Keans, Sandra
Spang, Judith

SULLIVAN

Cloutier, John
Gale, Harry
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

Franklin, Peter
Prichard, Stephen

and the majority committee report as amended was adopted.
Ordered to third reading.

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 8, 2006 at 10:00 a.m.
Adopted.

LATE SESSION**Third reading and final passage**

- HB 1126*, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.
- HB 1188*, relative to notice before entry into a condominium unit.
- HB 1192*, relative to property and casualty insurance.
- HB 1274*, relative to certain disclosures to the department of health and human services.
- HB 1555*, establishing a commission to investigate cost drivers in providing health care.
- HB 1592-FN*, making certain changes in the insurance laws.
- HB 1652-FN*, relative to certain insurance claims.
- HB 298*, relative to consolidating statutes relating to driving while intoxicated.
- HB 624-FN*, relative to penalties in certain health and health-related professions.
- HB 1155*, creating a violation for failure to pay a highway toll.
- HB 1209*, relative to notification requirements for criminal offenders.
- HB 1235-FN*, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order.
- HB 1349*, relative to costs of personnel and rates for equipment use in hazardous waste incidents.
- HB 1377*, relative to certain mandatory minimum sentences.
- HB 1386*, relative to exceptions to the prohibition on carrying and selling knives.
- HB 1420-FN*, prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16.
- HB 1480*, amending the provisions relative to registration of criminal offenders.
- HB 1620-FN*, relative to hunting restrictions of certain convicted felons.
- HB 1624-FN*, relative to boat noise.
- HB 1625*, establishing penalties for guardians ad litem who fail to file reports which are required by the court.
- HB 1660-FN*, regulating identity theft.
- HB 1667-FN*, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine.
- HB 1674-FN*, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials.
- HB 1745-FN*, relative to methamphetamine-related crimes involving children and incapacitated adults.
- HB 1749-FN*, relative to access to motor vehicle records by certain defense contractors.
- HB 1113*, adding a definition of "public academy" to the definition of "high school."
- HB 1172-FN*, relative to registration of political committees.
- HB 1217*, requiring the secretary of state to publish certain information on campaign contributions.
- HB 1613-FN-L*, relative to polling place arrangement and accessibility.
- HB 1394*, relative to determination of value of property in current use.
- HB 1429*, relative to municipal exemptions for hazardous waste cleanup liability.
- HB 1455-FN-A*, relative to the disposal of video display devices.
- HB 1630-L*, relative to land use change taxes imposed for certain road construction on rights-of-way.
- HB 1298*, establishing a study committee to evaluate disciplinary procedures of the board of medicine.
- HB 1337*, establishing the amusement ride safety advisory board.
- HB 1351*, relative to the rulemaking process.
- HB 1517-FN*, relative to membership on the board of medicine and the medical review subcommittee.
- HB 1526*, relative to the composition of the medical review subcommittee of the medical review board.
- HB 1574*, relative to membership on the public employees deferred compensation commission.
- HB 1590-FN*, relative to the pari-mutuel commission.
- HB 1595-FN*, relative to certification of electronic systems technicians by the electricians' board.
- HB 1633-FN*, relative to membership, eligibility, and financing of the New Hampshire retirement system.
- HB 1683-FN*, establishing a homestead food license for residential, non-commercial kitchens.
- HB 1696-FN*, relative to the cremation of human remains.
- HB 1546*, relative to patient information.
- HB 1672-FN*, relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries.
- HB 1718-FN*, requiring a written disclosure statement be provided to prospective nursing home facility clients.

- HB 1116*, relative to service of the notice to quit and writ of summons in landlord tenant actions.
- HB 1751*, relative to penalties for failure to have workers' compensation coverage.
- HB 1752*, requiring notice regarding the classifications of employee and independent contractor.
- HB 1357*, relative to the legislative facilities committee.
- HCR 20*, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve.
- HB 1174*, requiring that voters who request a secret ballot be present at the town meeting.
- HB 1206*, relative to the assessing standards board.
- HB 1320*, relative to penalties for planning and zoning violations.
- HB 1330*, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments.
- HB 1487*, relative to marriage licenses.
- HB 1508*, relative to acceptance of applications by planning boards.
- HB 1627*, relative to the assessment of open space land.
- HB 1631-FN-L*, relative to property taxation of certain property of the Appalachian Mountain Club.
- HB 1215*, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.
- HB 1223-FN*, relative to the use of real estate brokers by the department of transportation.
- HB 1530*, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place.
- HB 1536*, relative to bonds required from persons excavating or disturbing certain highways.
- HB 1289*, relative to Pennichuck Brook and its watershed.
- HB 1315*, relative to the definition and classification of dams.
- HB 1317*, relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.
- HB 1446*, requiring the department of resources and economic development to prepare and submit a management and financial plan to the general court and the public prior to the opening of the Berlin regional ATV park.
- HB 1463-FN*, relative to boating and water safety.
- HB 1491*, establishing a committee to study the publicly owned treatment plant needs of New Hampshire.
- HB 1568*, establishing a committee to study the siting and construction of commercial wind energy facilities.
- HB 1758*, classifying biodeisel as a renewable energy source.
- HB 1260*, relative to informing first-time driver's license applicants of the controlled drug laws.
- HB 1356*, relative to on-board diagnostic system inspections.
- HB 1448*, relative to the applicability of drivers' license revocations for drugs or alcohol involvement.
- HB 1238-FN*, relative to centralized voter registration database information.
- HB 1278*, increasing the fine for violating certain laws relative to labor.
- HB 1407-FN-A*, relative to funding exotic aquatic weeds eradication and control.
- HB 1478*, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions.
- HB 1715-FN*, relative to funding of the professional assistance program of dentists.
- HB 1335*, relative to the authority of law enforcement officers during a state of emergency.
- HCR 25*, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution.
- HJR 21*, urging the University of New Hampshire to restore intercollegiate baseball and softball.
- HB 1403*, relative to explanations of proposed constitutional amendments appearing on the ballot.
- HB 1265*, establishing the council on the relationship between public health and the environment.
- HB 1333*, relative to solid waste reduction goals.
- HB 1373*, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

HB 1433, establishing a committee to study secured landfills and establishing a moratorium on the incineration of construction and demolition waste.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals.

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program.

RECONSIDERATION

Having voted with the prevailing side, Rep. Giuda moved that the House reconsider its action whereby it passed on third reading, **HB 1714-FN**, relative to an electronic controlled drug prescription monitoring program.

Rep. Kurk spoke against.

Reps. Giuda and Vaillancourt spoke in favor.

Rep. Giuda requested a roll call; sufficiently seconded.

YEAS 150 NAYS 120

YEAS 150

BELKNAP

Tobin, William

CARROLL

Babson, David Jr

Buco, Thomas

Martin, James

Olimpio, J Lisbeth

CHESHIRE

Chase, William

Dunn, J Timothy

Parkhurst, Henry

Plifka, Stanley Jr

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Sawyer, Sheldon

COOS

King, Frederick

Mears, Edgar

GRAFTON

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Gionet, Edmond

Ham, Bonnie

Hammond, Lee

Harding, A Laurie

Maybeck, Margie

McLeod, Martha

Nordgren, Sharon

Sokol, Hilda

Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin

Beaulieu, Jane

Biundo, Michael

Boehm, Ralph

Buhlman, David

Calawa, Leon Jr

Campbell, David

Christiansen, Lars

Craig, James

Crane, Elenore Casey

Dokmo, Cynthia

Egbers, Fran

Essex, David

Foster, Linda

Francoeur, Bea

Gargas, Carolyn

Goley, Jeffrey

Gorman, Mary

Goyette, Peter Jr

Hall, Betty

Harvey, Suzanne

Hawkins, Ken

Hellwig, Steve

Holden, Randolph

Irwin, Anne-Marie

Kopka, Angeline

Kurk, Neal

Lasky, Bette

Lawrence, James

Manney, Pamela

Martin, Mary Ellen

McRae, Karen

Messier, Irene

Movesian, Lori

Rosenwald, Cindy

Schulze, Joan

Shattuck, Gilman

Shaw, Barbara

Shaw, Kimberly

Slocum, Lee

Smith, David

Vaillancourt, Steve

Wheeler, James

Wheeler, Robert

MERRIMACK

Anderson, Eric

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

Danforth, James

DeJoie, John

Field, William

Foose, Robert

French, Barbara

Marple, Richard

McMahon, Patricia

Osborne, Jessie

Potter, Frances

Reed, Dennis

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Softani, Tony

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

ROCKINGHAM

Allen, Mary

Brown, C.

Cali-Pitts, Jacqueline

Casey, Kimberley

DiFruscia, Anthony

Fesh, Bob

Flockhart, Eileen

Francoeur, Sheila

Hopfgarten, Paul
Langley, Jane
Moody, Marcia
Priestley, Anne
Robinson, John

Hughes, Daniel
Major, Norman
Norelli, Terie
Quandt, Marshall Lee
Scamman, Stella

Ingram, Russell
Mason, April
Nowe, Ronald
Rausch, James
Splaine, James

Itse, Daniel
McKinney, Betsy
Powers, James
Robertson, Carl
Stiles, Nancy

STRAFFORD

Berube, Roger
Campbell, W Packy
Heon, Richard
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Smith, Marjorie

Brown, Julie
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Spang, Judith

Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

Franklin, Peter
Prichard, Stephen

NAYS 120

BELKNAP

Allen, Janet
Morrison, Gail
Thomas, John

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Fitzgerald, James
Pilliod, James
Wendelboe, Fran

Millham, Alida
Russell, David
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Stevens, Stanley

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Morrow, Harry

Dickinson, Howard
Patten, Betsey

CHESHIRE

Butcher, Suzanne
Foote, Sheila

Butynski, William
Hogancamp, Deborah

Emerson, Susan
Hunt, John

Espiefs, Peter
Tilton, Anna

COOS

Buzzell, Bernard
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Andersen, Gene

Giuda, Robert

Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Balboni, Michael
Brundige, Robert
Coughlin, Pamela
Elliott, Nancy
Hirschmann, Keith
O'Connell, Timothy
Renzullo, Andrew
Sullivan, Peter

Batula, Peter
Carew, James
Desmarais, Vivian
Gibson, John
Mead, Robert
Ober, Lynne
Rowe, Robert
Villeneuve, Maurice

Bergeron, Jean-Guy
Carter, Mark
DeVries, Betsi
Golding, William
Mooney, Maureen
Pilotte, Maurice
Ryder, Donald

Bergin, Peter
Christensen, D L Chris
Dyer, Donald
Graham, John
O'Brien, William
Price, Pamela
Scanlon, Michael

MERRIMACK

Blanchard, Elizabeth
L'Heureux, Stephen
Tupper, Frank

Hess, David
MacKay, James
Whiting, Herbert

Kennedy, Richard
Maxfield, Roy

Klose, John
Tilton, Joy

ROCKINGHAM

Asselin, Michael
Bridle, Russell
Carson, Sharon

Belanger, Ronald
Buxton, Donald
Charron, Gene

Bettencourt, David
Cady, Harriet
Coburn, James

Bicknell, Elbert
Camm, Kevin
Cooney, Richard

Dowd, John
 Garrity, James
 Introne, Robert
 Lund, Howie
 Palazzo, Frank
 Weare, E Albert

Dumaine, Dudley
 Gilbert, Karl
 Johnson, Robert
 McMahon, Charles
 Rolston, James
 Welch, David

Flanders, John Sr
 Gould, Kenneth
 Katsakiores, George
 Morris, Richard
 Sanders, Elisabeth
 Weyler, Kenneth

Forsing, Robert
 Griffin, Mary
 Katsakiores, Phyllis
 Packard, Sherman
 Waterhouse, Kevin
 Winchell, George

STRAFFORD

Cataldo, Sam

Chaplin, Duncan

Easson, Timothy

Newton, Clifford

SULLIVAN

Converse, Larry
 and reconsideration prevailed.

Osgood, Philip Sr

MOTION TO SPECIAL ORDER

Rep. David Campbell moved that ***HB 1714-FN***, relative to an electronic controlled drug prescription monitoring program, be made a Special Order as the second item of business on Wednesday, March 8, 2006.

Adopted.

SPECIAL ORDERED

Without Objection, the Speaker made the remainder of bills on today's calender be made Special Orders for March 8, 2006.

RECESS MOTION

Rep. Weyler moved that the House stand in recess for the purposes of introduction of bills, receiving enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
 Adopted.

The House recessed at 6:25 p.m.

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.
 Adopted.

HOUSE JOURNAL No. 8

Wednesday, March 8, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend David P. Jones, Rector of St. Paul's Episcopal Church in Concord.

Wise and gentle One, You inscribe upon each of us the indelible markings of Your signature of authorship. Give us eyes to see Your very own "John Hancock" written boldly at the core of each person we encounter this day, that all the decisions made in this venerable chamber may reveal that very same autograph. Amen.

Rep. Herbert F. Whiting, member from Franklin, led the Pledge of Allegiance.

The National Anthem was sung by members of the Merrimack Middle School Chamber Singers, Annie Steeves, Rachel Oxford, Cady Hickman, Caitlin Ortega, Annie Crossman and Amber Steeves.

LEAVES OF ABSENCE

Reps. Albert, Nelson Allan, Barker, Barry, Callaghan, Carlson, Chabot, David Cote, Goodwin, Hebert, Hinkle, Hunter, O'Neil, Oliver, Owen, Putnam, Snyder and Wiley, the day, illness.

Reps. Abbott, Aguiar, Charles Clark, Dalrymple, Dexter, Donahue, Donald Flanders, Foote, Ginsburg, Hagan, Heon, Hess, Hutchinson, Kobel, Pepino, Rochette, Twombly, the day, important business.

Rep. MaryAnn Blanchard, the day, illness in the family.

Rep. Morneau, the day, death in the family.

INTRODUCTION OF GUESTS

Ronald Rush, Gregory, Mack, Ben and Caroline Rush, husband, son and grandchildren of Rep. Rush. Tina Miarino and Marac Lanoue, guests of Rep. Nancy Johnson. Honorable Griffin Dalianis and Carolyn Brown McLarney, guests of Rep. Hess. Katelyn Ryan, daughter of Rep. Ryan. The fourth grade class from Wells School in Harrisville, guests of the committee on Environment and Agriculture.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

SPECIAL ORDER FROM MARCH 7, 2006

HB 1111, designating the pumpkin as the New Hampshire state fruit. **OUGHT TO PASS.**

Rep. Derek Owen for Environment and Agriculture: The bill to designate the pumpkin as the state fruit met little opposition. This opposition came from apple growers who felt the apple was considered more popular and well known and sold more pies than pumpkin pies. The various pumpkin festivals, including the largest pumpkin grown in the state and the Keene pumpkin lighting help to prompt the importance of our fall agricultural economy. The committee felt the versatility of the pumpkin warranted the designation as the state fruit. Vote 17-0.

Reps. Peter Allen, O'Connell and Solomon spoke in favor.

Committee report adopted by the necessary two-thirds.

Ordered to third reading.

MOTION TO PRINT DEBATE

Rep. Babson moved that the debate on **HB 1111**, designating the pumpkin as the New Hampshire state fruit, be printed in the Permanent Journal.

Adopted by the necessary two-thirds.

DEBATE ON HB 1111

Rep. Peter Allen: Thank you very much, Mr. Speaker. Ladies and gentlemen and members of the House. It's a pleasure to be here. House Bill 1111 would establish the pumpkin as our state fruit. Pumpkins were cultivated here by Native Americans long before we discovered this place. This bill was on the Consent Calendar with unanimous Ought To Pass votes in the Environment and Agriculture Committee.

Four students at Wells Memorial School in Harrisville presented excellent brief speeches in support of House Bill 1111. They presented ample justification for passage of this bill. This state holds the record for the largest pumpkin ever grown and the Keene Pumpkin Festival holds the Guinness Book of Records mark of 23,727 pumpkins carved, lit and displayed at one time. The city of Boston has tried the last two years to beat it and they haven't yet. There are four co-sponsors of this bill whose names I failed to get to the House Clerk in time for printing, Senator Flanders and Representatives Dunn, Butynski and Mattarazzo. Their names will appear in the permanent record. Senator Eaton said, "I'll have to think about it," and he never got back to me, so I missed the deadline for getting the names in. Thank you.

Rep. O'Connell: Thank you, Mr. Speaker. Mr. Speaker, good morning. Good morning, honorable members of the House. Mr. Speaker, I first learned about House Bill 1111, "the pumpkin bill," from the good representative from Alton, who asked me if I was the prime sponsor. And as I recall, I made some flippant comment like, "Yeah, right." But since that time last fall, this doubting Timothy has become a convert to these orange orbs and I'd like to tell you why I think we should pass this bill. As a vegetable and fruit grower with a couple of degrees in biology, I knew that botanically the pumpkin, like the tomato, is indeed classified as a fruit. And as the good representative from Harrisville just indicated to you, historically the pumpkin was grown by our Native Americans long before the first European colonists came to our shores. Over these last 300 years the pumpkin has continued to be cultivated for a diversity of uses from pies, soup, ice cream, roasted seeds, livestock feeds, and of course, the ornamental use of pumpkins as a symbol of Halloween and Thanksgiving. Not only has the fruit continued to be an economical and profitable crop for our growers, but it also marks the end of the growing season and the arrival of a profitable tourist season which we rely on so heavily. But what is so special about the pumpkin? What is the New Hampshire connection? Why should we vote for this? Well, first of all, you should know that our own university in New Hampshire is a leader of selective breeding of pumpkin cultivars. Dr. James B. Loy of University of New Hampshire (UNH) continues to develop a new line of fruit that are commercially available. Snack Jack is a hull-less seed variety that is perfect for roasting and snacking. Dr. Loy's disease resistant strains are constantly being released for commercial productions and my farm, Butternut Farm, will be growing them this year. I hope that all of you have marveled at the mountains of pumpkins that highlight cleverly designed displays at our local farm stands in autumn. I invite you to come to the Milford Pumpkin Festival where thousands of others come each Columbus Day weekend and celebrate the pumpkin in a 3-day fun filled festival. Also, as the representative from Harrisville indicated to you, why don't you enter a pumpkin in the Jack-O-Lantern contest in Keene and again become part of maybe breaking that Guinness world record of 23,727 pumpkins. Just for the fun of it. I'd urge you to attend our local "ag" fairs where the New Hampshire Giant Pumpkin Growers Association routinely display their large fruit weighing anywhere between a quarter to a half a ton. Charlie Houghton of Goffstown, the good Representative Wheeler from Goffstown, holds the world's record for a little gem that weighed 1,337 pounds. Ladies and gentlemen of the House, yes, the pumpkin is indeed a fruit with close ties to New Hampshire and truly worthy of our designation as the state fruit. And finally, Mr. Speaker, think of all the fun that pumpkins have provided in your lifetime for your children, for your grandchildren, and especially for all of those wonderful kids in our gallery this morning showing their support for the pumpkin and the learning experience that it has provided. Thank you, Mr. Speaker. And thank you, kids.

Rep. Robert L'Heureux: Thank you, Mr. Speaker. Of all the good things that we have heard about the pumpkin, are you aware that every year there's a world championship pumpkin throwing competition that takes place in Pennsylvania? And are you aware that the world champions are from New Hampshire, and are you aware that the pumpkin that was used to break the world record came from New Hampshire?

Rep. O'Connell: I'm aware of the world pumpkin record by weight; I intended to make reference to the Greenfield situation. If you've ever driven by Greenfield on Route 31, you're going to see this rusty monstrosity out in a field and actually there are two, I believe. It's a giant cannon which shoots these little suckers over half a mile and then also there's a trebuchet. I was going to do that but I didn't know how to spell trebuchet.

Rep. Roberts: I've got my pumpkin shirt on today and my pumpkin tie. The question I have is a little bit off the "pumpkin," but in today's society where we have children who are afraid to risk failure, shouldn't we really be worrying about rewarding people who go out and make an effort whether they win or lose. Because these kids showed up, they put in the effort, this is a perfect opportunity, wouldn't you agree, to reward the efforts that these students did?

Rep. O'Connell: I guess I would briefly say, that in all honesty I think win or lose, they are the winners. It has been a great experience for them and I'm sure they will remember it for the rest of their lives.

Rep. Solomon: I would like to, as one of the many Peters in the House, I would like to urge my fellow Peters to join with me in supporting this noble idea of having the pumpkin, as our nursery rhyme says, "Peter, Peter, pumpkin eater, " I hope this will encourage all of them to support this in the House. Thank you.

CLERK'S NOTE

On March 7, 2006, the House voted to reconsider its action whereby it passed with amendment **HB 1714**, relative to an electronic controlled drug prescription monitoring program. The bill was Special Ordered to March 8, 2006 as the second order of business.

SPECIAL ORDER-RECONSIDERATION OF HB 1714

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program.

The question now being adoption of Ought to Pass as amended.

Rep. MacKay spoke against.

Motion failed.

Rep. MacKay moved Interim Study.

Motion adopted by the necessary two-thirds.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

COMMITTEE OF CONFERENCE REPORT ON SB 206

Committee of Conference on **SB 206-FN**, relative to the state code of ethics and establishing an executive ethics commission.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 21-G:21, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. "Executive branch official" means every elected official as defined by RSA 15-B:2, III, who holds an executive branch office, every public official as defined by RSA 15-B:2, X, every constitutional official as defined by RSA 15-B:2, II, and every public employee as defined by RSA 15-B:2, IX.

Amend RSA 21-G:25 as inserted by section 2 of the bill by replacing it with the following:

21-G:25 [Acceptance and Giving of Gifts. Any public employee, public official, and any public employee's or public official's spouse or dependent who gives, solicits, accepts, or agrees to accept a gift from a person who is subject to or likely to become subject to or interested in any matter or action pending before or contemplated by the public employee or official or by the governmental body with which that employee or official is affiliated shall disclose the gift in the statement of financial disclosure filed under RSA 21-G:28. Nothing in this section shall be construed to prohibit gifts made to the state of New Hampshire and accepted in accordance with the law.] *Restrictions on Simultaneous Employment and Public Service. Volunteer service shall not be used, directly or indirectly, for personal financial gain, or to facilitate non-public communications with executive branch officials for the purpose of promoting or advancing any matter on behalf of a third party, or to influence executive branch officials in the performance of their duties. In furtherance of this prohibition:*

I. No person shall serve as a public employee, as defined by RSA 15-B:2, IX, or serve as an appointee or volunteer for any multi-branch commission, committee, board, or similar governmental entity, and simultaneously be a person who has a duty to register as a lobbyist pursuant to RSA 15, or is employed by, or maintains an ownership interest in, any entity which employs a registered lobbyist.

II. No person shall serve as a public employee in a position that establishes policy or adjudicates matters before any agency while maintaining any ownership interest in, or being

employed by, any entity, engaged in promoting or opposing, directly or indirectly, any legislation pending or proposed before the general court, or promoting or opposing any action or inaction on any matter, contract, license, permit, or administrative rule, proposed or pending, before the executive branch.

III. Unless otherwise prohibited by law, the prohibitions of RSA 21-G:25, I and II, shall not apply to:

(a) *Appearances before the courts or any adjudicative proceedings, or non-adjudicative processes, as defined by RSA 541-A;*

(b) *Service in a position subject to appointment by the governor and council;*

(c) *Testimony or participation in any public meeting, or service on any commission, committee, board, panel, or other similar governmental entity that is subject to the public meeting and notice requirements of RSA 91-A, or the public right of access mandated by part 1, article 8 of the New Hampshire constitution.*

(d) *Volunteer public service related entirely to a ceremonial, celebratory, historical, or recreational program or event; public health or safety incident or drill, or consumer protection assistance;*

(e) *Ownership of publicly-traded stock; or*

(f) *A public employee, appointee, or volunteer's personal application for any license, permit, or ruling from a state agency.*

Amend RSA 21-G:29, III as inserted by section 3 of the bill by replacing it with the following:

III. The committee shall consist of 7 members, nominated in the following manner:

(a) Three members, nominated by the governor, one of whom shall be a member of the democratic party, one of whom shall be a member of the republican party, and one of whom shall have no political party affiliation.

(b) Two members, nominated by the secretary of state, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

(c) Two members, nominated by the treasurer, one of whom shall be a member of the democratic party and one of whom shall be a member of the republican party.

Amend RSA 21-G:29, VI as inserted by section 3 of the bill by replacing it with the following:

VI. Committee members shall serve terms of 3 years and until their successors are appointed and qualified. However, initially, the governor shall nominate one member for a one-year term, one member for a 2-year term and one member for a 3-year term; the secretary of state shall nominate one member for a 2-year term, and one member for a 3-year term; the treasurer shall nominate one member for a one-year term and one member for a 2-year term. Initial nominations to the committee shall be made no later than 90 days after the effective date of this section. The initial appointments shall begin on July 1, 2006 and end on June 30 of the appropriate year. Vacancies shall be filled for the remainder of any unexpired term. During their term of appointment, members may not hold or campaign for elective office, serve as an officer of any political party or political committee, permit their names to be used in support of or in opposition to any candidate or proposition, participate in any way in any election campaign, make a contribution as defined in RSA 664:2 to any candidate for office or political committee, or act as or assist a lobbyist required to be registered under RSA 15:1.

Amend RSA 14-B:2, III as inserted by section 5 of the bill by replacing it with the following:

III. Appointments to the committee shall be made by December 31 prior to the first legislative session of the biennium. A committee meeting shall be called no later than February 1 in the first legislative session of the biennium. ~~[The members shall elect]~~ *Prior to the first committee meeting, the speaker of the house of representatives and the senate president shall jointly select from the members of the committee* a chairperson and vice-chairperson ~~[at this meeting]~~. The members shall serve for the biennium and shall not be removed from the committee for any reason except for good cause by unanimous vote of the remaining committee members. Members shall receive no compensation, except that legislative members shall receive mileage at the legislative rate and public members shall receive mileage at the state employee rate. *The committee shall provide the executive branch ethics committee with copies of all publicly issued guidelines, procedures, decisions, and opinions.*

Amend RSA 15:1, II(b) as inserted by section 7 of the bill by replacing it with the following:

(b) To promote or oppose, directly or indirectly, any action by the governor, governor and council, or any state agency, as defined in RSA 15-A:2. where such action concerns legislation or contracts pending or proposed before the general court, any pending or proposed administrative rule, or the procurement of goods or services that are being or may be purchased by the state, subject to the exclusions in paragraph III.

Amend RSA 15-B:2, IX as inserted by section 9 of the bill by replacing it with the following:

IX. "Public employee" means any person, including but not limited to a classified or non-classified employee or volunteer, who conducts state business on behalf of the governor, any executive branch official, agency, or the general court

Conferees: Sens. Clegg, Dist. 14; Boyce, Dist. 4; and Larsen, Dist. 15.

Conferees: Reps. Whalley, Belk 5; O'Brien, Hills 4; O'Neil, Rock 15; and Craig, Hills 9.

Rep. Whalley moved that the House adopt the Committee of Conference Report.

Rep. Whalley spoke in favor and yielded to questions.

Committee of Conference Report adopted.

SPECIAL ORDERS - BILLS FROM MARCH 7, 2006

CACR 36, relating to the rulemaking authority of the Supreme Court. Providing that the Supreme Court may adopt rules, that the general court may regulate these matters by statute, and that in the event of a conflict between a statute and a rule, the statute, if otherwise valid, shall prevail over the rule. **INEXPEDIENT TO LEGISLATE.**

Rep. David E. Cote for Judiciary: This amendment is unclear, in that it purports to establish the primacy of statute over court rule, yet states that "such enactment [of the legislature] may not abridge the Judiciary's necessary adjudicatory functions." Thus, it is neither fish nor fowl; sweeping too broadly or not broadly enough, and will serve only to confuse both the courts and the public. In addition, leaving aside the question of its clarity, the subject matter has been before the public on two separate occasions in the last few years. Vote 16-4.

Committee report adopted.

HB 1565, relative to evictions in cases involving incidents of domestic violence. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy J. Elliot for Judiciary: This bill, as amended, protects tenants that are involved in an incident of domestic violence from an unfair eviction based solely on that single incident. It also protects a landlord from being unable to evict a tenant that has a lifestyle of disturbances. The bill represents a bipartisan effort to ensure that the rights of both landlord and tenant are preserved. Representatives of both landlord and tenant associations are in agreement with this bill as amended. Vote 15-1.

Amendment (1191h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Actions Against Tenants; Relief in Cases Involving Incidents of Domestic Violence. Amend RSA 540:14 by inserting after paragraph III the following new paragraph:

IV. In any action for termination of tenancy under RSA 540:2, II(c) or (d), where the sole basis is a single occasion of domestic violence pursuant to RSA 173-B and there is no threat of violence to others living outside the rental unit from which the domestic violence emanated, the judge shall have the discretion to allow the victim's tenancy to continue and to make such orders as justice may require. The court may re-open the action upon the lessor or owner's complaint of a subsequent incident of domestic violence within one year from the first incident. Nothing in this paragraph shall prohibit the lessor or owner from proceeding with a termination of tenancy under RSA 540:2, II(c) or (d) based on a subsequent incident.

2 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill grants the court discretion, in certain cases of domestic violence, to permit the victim's tenancy to continue.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1761, exempting vacation rentals from regulation as a tenancy and extending the committee to study the appeals process in cases between landlords and tenants, established in 2005, 45. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory M. Sorg for Judiciary: This bill, as amended, creates a new chapter 540-C to the RSA's, dealing with the eviction of tenants who rent seasonal recreational rental units in the off-season. Due to the high rent and short period of time for which such units can be rented during vacation season, advocates both for landlords and tenants agreed that it is appropriate and neces-

sary to have an accelerated process for removing holdover off-season tenants. This chapter provides that as long as the landlord makes the off-season rental by written lease specifying that it is seasonal property, specifying the date by which the off-season tenants must vacate, and specifying that failure to so vacate will result in removal by a law enforcement officer without any court order, the tenant may be so removed upon the law enforcement officer's being presented with the expired lease. Vote 19-1.

Amendment (0877h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to hold over tenants in vacation or recreational rental units.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter: Vacation or Recreational Rental Units. Amend RSA by inserting after chapter 540-B the following new chapter:

CHAPTER 540-C

VACATION OR RECREATIONAL RENTAL UNITS

541-C:1 Covered Units. This chapter shall apply to all dwelling units which are:

I. Rented for recreational or vacation use at least one month out of the year; and

II. Rented for residential purposes by persons who have no other residence, during part or all of the non-recreational or vacation period.

540-C:2 Lease Required. In order to evict an occupant from a dwelling unit covered by this chapter without fulfilling the requirements of RSA 540, the owner or the owner's authorized agent and the tenant shall sign a lease which:

I. States the date by which the tenant shall vacate the premises; and

II. Informs the tenant that if he or she remains on the premises after the expiration of the lease without the written permission of the owner or the owner's authorized agent, the tenant may be removed from the premises by a law enforcement officer without any judicial process.

540-C:3 Removal Upon Expiration of Lease. Any law enforcement officer of this state, upon presentation of the expired lease by the owner or the owner's authorized agent, shall remove the occupants from the dwelling unit. Upon removal the occupants shall be deemed to have abandoned his or her rights of occupancy and the owner may then make such unit available to other occupants.

541-C:4 Civil Penalty. Any person who directs a law enforcement officer to remove a tenant from a dwelling unit covered by this chapter without complying with RSA 540-C:3, or misrepresents to a law enforcement officer that the unit is a covered unit under this chapter shall be liable to any tenant who is involuntarily removed from the unit by the law enforcement officer in an amount equivalent to 3 months rent, plus costs and attorneys fees.

2 Repeal. RSA 540:1-a, I(c), relative to the classification of vacation or recreational dwellings rented during the off-season as nonrestricted property, is repealed.

3 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill permits a law enforcement officer to remove a holdover tenant from a vacation or recreational rental unit without judicial process if the parties have signed a lease that specifies the date by which the tenant shall vacate the premises and that the tenant may be removed from the property if the tenant remains beyond the date specified. The bill exempts vacation and recreational rental units from the eviction process in RSA 540.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1194, relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey P. Goley for Labor, Industrial and Rehabilitative Services: This bill allows a member of a fire department rescue squad, or emergency medical services agency to take leave without pay from his or her place of employment to respond to a state of emergency declared by the Governor or the General Court under RSA 4:45. The employer shall not require the employee to use or exhaust his or her vacation or other accrued leave for the period of emergency services. Request for service shall be directed to the chief of the member's fire department, rescue squad, or emergency medical services agency and a copy to the member's employer. Vote 15-0.

Amendment (1218h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to job protection for firefighters, rescue workers, and emergency medical personnel.

Amend the bill by replacing RSA 275:66, I-II as inserted by section 1 of the bill with the following:

I. When the governor or the general court declares a state of emergency under RSA 4:45, a member of a fire department, rescue squad, or emergency medical services agency who is called into service of the state or a political subdivision shall have the right to take leave without pay from his or her place of employment to respond to the emergency. No employer shall require an employee to use or exhaust his or her vacation or other accrued leave for the period of emergency service. The employee may choose to take vacation or other accrued leave for the period of emergency service.

II. A firefighter, rescue squad member, or emergency medical services member shall be called into service of the state or a political subdivision for purposes of this subdivision when his or her services are requested in writing by the director of emergency services, communications, and management or by the head of a local organization for emergency management established under RSA 21-P:39. The request shall be directed to the chief of the member's fire department, rescue squad, or emergency medical services agency and a copy shall be provided to the member's employer.

AMENDED ANALYSIS

This bill gives firefighters, rescue workers, and emergency medical personnel the right to take leave without pay from a place of employment when mobilized after the governor has declared a state of emergency unless certified as essential to an employer's emergency relief efforts.

Amendment adopted.

Committee report adopted and ordered to third reading.

INTRODUCTION OF SPECIAL GUESTS

Members of the delegation from the Republic of Kazakhstan, sponsored and hosted by Partners for Peace - New Hampshire 2006, which is a joint undertaking of the University of New Hampshire, the New Hampshire National Guard and the United States Department of Defense, guests of the House.

SPECIAL ORDERS- BILLS FROM MARCH 7, 2006 (CONT'D.)

HB 1564, prohibiting mandatory tip charges for small parties. **INEXPEDIENT TO LEGISLATE.** Rep. Randolph N. S. Holden for Labor, Industrial and Rehabilitative Services: The committee overwhelmingly concluded that this bill would hurt the littlest of little guys, the waitperson. This bill targets the very people who need our help; those men and women who receive \$2.38 hr. The bill further removes the owner's decision to protect his employee and just goes against the New Hampshire sense of fairness. Vote 14-0.

Committee report adopted.

CACR 37, relating to the legislature. Providing that compensation shall be based on present value. **OUGHT TO PASS.**

Rep. Karen A. Hutchinson for Legislative Administration: Today's monetary value of our \$100 annual compensation is approximately \$2000. While this increase certainly does not change our "volunteer legislature" status, it is hoped that it will allow for more diversified legislative participation, particularly working-age individuals who are unable to serve in the legislature due to lost wages. Vote 7-4. Rep. Hunt requested a roll call; sufficiently seconded.

YEAS 162 NAYS 164**YEAS 162****BELKNAP**

Boyce, Laurie
Russell, David

Heald, Bruce
Thomas, John

Morrison, Gail
Veazey, John

Pilliod, James

CARROLL

Brown, Carolyn
Merrow, Harry

Dickinson, Howard
Patten, Betsey

Knox, J David
Philbrick, Donald

McConkey, Mark

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie	Plifka, Stanley Jr
Pratt, John	Roberts, Kris	Robertson, Timothy	Weed, Charles

COOS

King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Almy, Susan	Andersen, Gene	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Mulholland, Catherine	Naro, Debra	Sokol, Hilda
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Balboni, Michael	Batula, Peter	Bergin, Peter	Boehm, Ralph
Brassard, Paul	Calawa, Leon Jr	Carew, James	Chase, Claudia
Christensen, D L Chris	Clark, Mark	Cote, Peter	DeVries, Betsi
Gibson, John	Goley, Jeffrey	Goyette, Peter Jr	Haley, Robert
Hansen, Ryan	Holden, Randolph	Infantine, William	Jean, Claudette
Judy, Jean	Lawrence, James	Lessard, Rudy	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Mooney, Maureen	Pappas, Christopher
Pilote, Maurice	Shattuck, Gilman	Shaw, Barbara	Slocum, Lee
Souza, Kathleen	Sullivan, Francis	Ulery, Jordan	Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth	Brueggemann, Donald	Clarke, Claire	DeJoie, John
DeStefano, Stephen	French, Barbara	Gile, Mary	Greco, Vincent
Hamm, Christine	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Maxfield, Roy	McMahon, Patricia	Reardon, Tara
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bicknell, Elbert
Bishop, Franklin	Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin
Cooney, Richard	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Flanders, John Sr	Flockhart, Eileen	Forsing, Robert	Gilbert, Karl
Griffin, Mary	Introne, Robert	Moody, Marcia	Moore, Benjamin
Nowe, Ronald	Palazzo, Frank	Pantelakos, Laura	Quandt, Matthew
Rolston, James	Serlin, Christopher	Waterhouse, Kevin	Weldy, Norman
Wells, Roger	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Bickford, David	Brown, Jennifer	Brown, Julie
Campbell, W Packy	Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Miller, Joseph	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Katherine	

SULLIVAN

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Phiniza, James	Prichard, Stephen	

NAYS 164**BELKNAP**

Allen, Janet	Fitzgerald, James	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Tilton, Franklin	Tobin, William	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher
Martin, James

Babson, David Jr
Olimpio, J Lisbeth

Buco, Thomas
Stevens, Stanley

Chandler, Gene

CHESHIRE

Coates, Christopher
Parkhurst, Henry

Dunn, J Timothy
Richardson, Barbara

Emerson, Susan
Sawyer, Sheldon

Hunt, John

COOS

Buzzell, Bernard

Richardson, Herbert

GRAFTON

Benn, Bernard
McLeod, Martha
Ward, John

Giuda, Robert
Mirski, Paul

Ingbretson, Paul
Nordgren, Sharon

Maybeck, Margie
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Coughlin, Pamela
Dokmo, Cynthia
Elliott, Nancy
Golding, William
Harvey, Suzanne
Jasper, Shawn
L'Heureux, Robert
Mead, Robert
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Kimberly
Tahir, Saghir

Baroody, Benjamin
Brundige, Robert
Craig, James
Drisko, Richard
Essex, David
Gorman, Mary
Hawkins, Ken
Johnson, Paula
Lasky, Bette
Moran, Edward
Ober, Lynne
Rowe, Robert
Smith, David
Villeneuve, Maurice

Beaulieu, Jane
Campbell, David
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Graham, John
Hellwig, Steve
Kopka, Angeline
Manney, Pamela
Movsesian, Lori
Price, Pamela
Ryder, Donald
Stepanek, Stephen
Wheeler, James

Bergeron, Jean-Guy
Clemons, Jane
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Hall, Betty
Irwin, Anne-Marie
Kurk, Neal
McRae, Karen
O'Brien, William
Renzullo, Andrew
Schulze, Joan
Sullivan, Peter
Wheeler, Robert

MERRIMACK

Anderson, Eric
Foose, Robert
Marple, Richard
Rush, Deanna

Bouchard, Candace
Kennedy, Richard
Osborne, Jessie
Tilton, Joy

Danforth, James
L'Heureux, Stephen
Potter, Frances
Williams, Robert

Field, William
Langlais, Thomas
Reed, Dennis
Yeaton, Charles

ROCKINGHAM

Bettencourt, David
Carson, Sharon
Fesh, Bob
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
McMahon, Charles
Parker, Benjamin
Rausch, James
Scamman, Stella
Welch, David

Bridle, Russell
Charron, Gene
Garritty, James
Hughes, Daniel
Katsakiores, George
Major, Norman
Morris, Richard
Powers, James
Robertson, Carl
Splaine, James
Winchell, George

Brown, C.
Coburn, James
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
Mason, April
Norelli, Terie
Priestley, Anne
Robinson, John
Stiles, Nancy
Zolla, William

Cady, Harriet
Dumaine, Dudley
Headd, James
Itse, Daniel
Langley, Jane
McKinney, Betsy
Packard, Sherman
Quandt, Marshall Lee
Sanders, Elisabeth
Stone, Joseph

STRAFFORD

Brown, Lawrence
Hollinger, Jeffrey
Taylor, Kathleen

Chaplin, Duncan
Knowles, William
Wall, Janet

Dunlap, Patricia
Newton, Clifford

Easson, Timothy
Rollo, Michael

SULLIVAN

Converse, Larry
Rodeschin, Beverly

Irish, Christopher

Jillette, Arthur Jr

Osgood, Philip Sr

and the committee report failed.

Rep. McKinney moved Inexpedient to Legislate.

Rep. DeStefano requested a roll call; sufficiently seconded.

YEAS 202 NAYS 123**YEAS 202****BELKNAP**

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	Morrow, Harry	Olimpio, J Lisbeth
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Coates, Christopher	Dunn, J Timothy	Emerson, Susan
Hunt, John	Parkhurst, Henry	Richardson, Barbara	Sawyer, Sheldon

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Benn, Bernard	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Maybeck, Margie	McLeod, Martha	Mirski, Paul	Naro, Debra
Nordgren, Sharon	Sorg, Gregory	Ward, John	

HILLSBOROUGH

Adams, Jarvis IV	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Christensen, D L Chris
Clemons, Jane	Coughlin, Pamela	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Essex, David	Foster, Linda	Gargas, Carolyn	Golding, William
Gorman, Mary	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Johnson, Paula	Kopka, Angeline
Kurk, Neal	L'Heureux, Robert	Lasky, Bette	Manney, Pamela
McRae, Karen	Mead, Robert	Moran, Edward	Movsesian, Lori
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Pappas, Christopher
Price, Pamela	Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert
Ryder, Donald	Schulze, Joan	Shattuck, Gilman	Shaw, Kimberly
Smith, David	Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	DeStefano, Stephen
Field, William	Foose, Robert	Kennedy, Richard	Kidder, David
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Osborne, Jessie	Potter, Frances
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bridle, Russell	Brown, C.	Cady, Harriet	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dowd, John

Dumaine, Dudley
Griffin, Mary
Ingram, Russell
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Robertson, Carl
Splaine, James
Winchell, George

Fesh, Bob
Headd, James
Itse, Daniel
Langley, Jane
McMahon, Charles
Priestley, Anne
Robinson, John
Stiles, Nancy
Zolla, William

Garrity, James
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
Morris, Richard
Quandt, Marshall Lee
Sanders, Elisabeth
Stone, Joseph

Gould, Kenneth
Hughes, Daniel
Katsakiores, George
Major, Norman
Norelli, Terie
Rausch, James
Scamman, Stella
Welch, David

STRAFFORD

Albert, Russell
Chaplin, Duncan
Keans, Sandra
Rous, Emma
Wall, Janet

Berube, Roger
Dunlap, Patricia
Knowles, William
Smith, Marjorie

Brown, Lawrence
Easson, Timothy
Newton, Clifford
Taylor, Katherine

Cataldo, Sam
Hollinger, Jeffrey
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Converse, Larry
Rodeschin, Beverly

Irish, Christopher

Jillette, Arthur Jr

Phinizy, James

NAYS 123

BELKNAP

Morrison, Gail

Pilliod, James

Thomas, John

CARROLL

Brown, Carolyn

Dickinson, Howard

McConkey, Mark

Patten, Betsey

CHESHIRE

Butcher, Suzanne
Espiefs, Peter
Roberts, Kris

Butynski, William
Mitchell, Bonnie
Robertson, Timothy

Chase, William
Plifka, Stanley Jr
Weed, Charles

Eaton, Daniel
Pratt, John

COOS

Lary, Bruce
Theberge, Robert

Merrick, Scott

Remick, William

Stohl, Eric

GRAFTON

Almy, Susan
Eaton, Stephanie
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Sokol, Hilda

Bleyler, Ruth
Harding, A Laurie
Solomon, Peter

Cooney, Mary
Ingbretson, Paul
Williams, Burton

HILLSBOROUGH

Balboni, Michael
Clark, Mark
Gibson, John
Infantine, William
Lessard, Rudy
Mooney, Maureen
Souza, Kathleen

Brassard, Paul
Cote, Peter
Goley, Jeffrey
Jean, Claudette
Matarazzo, Anthony Sr
Pilotte, Maurice
Sullivan, Francis

Carew, James
DeVries, Betsi
Goyette, Peter Jr
Judy, Jean
Messier, Irene
Shaw, Barbara
Vaillancourt, Steve

Chase, Claudia
Dyer, Donald
Hansen, Ryan
Lawrence, James
Michon, Stephen
Slocum, Lee

MERRIMACK

Brueggemann, Donald
French, Barbara
Maxfield, Roy
Waltner, Mary Jane

Clarke, Claire
Gile, Mary
McMahon, Patricia
Walz, Mary Beth

Danforth, James
Greco, Vincent
Reardon, Tara
Whiting, Herbert

DeJoie, John
Hamm, Christine
Tupper, Frank

ROCKINGHAM

Bicknell, Elbert
Cooney, Richard

Bishop, Franklin
DiFruscia, Anthony

Buxton, Donald
Dowling, Patricia

Cali-Pitts, Jacqueline
Flanders, John Sr

Flockhart, Eileen
 Moody, Marcia
 Pantelakos, Laura
 Rolston, James
 Wells, Roger

Forsing, Robert
 Moore, Benjamin
 Parker, Benjamin
 Serlin, Christopher
 Weyler, Kenneth

Gilbert, Karl
 Nowe, Ronald
 Powers, James
 Waterhouse, Kevin

Introne, Robert
 Palazzo, Frank
 Quandt, Matthew
 Weldy, Norman

STRAFFORD

Bickford, David
 Cilley, Jacalyn
 Johnson, Nancy
 Spang, Judith

Brown, Jennifer
 Creteau, Irene
 Kaen, Naida

Brown, Julie
 Domingo, Baldwin
 Miller, Joseph

Campbell, W Packy
 Hofemann, Roland
 Schmidt, Peter

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte
 and the motion was adopted.

Donovan, Thomas
 Osgood, Philip Sr

Ferland, Brenda
 Prichard, Stephen

Franklin, Peter

HB 1141, relative to innovative land use controls. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary R. Cooney for Municipal and County Government: Although the basic intent of this bill is to encourage towns to adopt open space housing concepts, this bill would mandate those municipalities to allow the Village Plan alternative who had previously voted to only permit cluster development. There is already a mechanism in place for a municipality to adopt the Village Plan alternative. One unintended consequence might be municipalities choosing to reject both choices because they couldn't pick one or the other. Vote 15-1.

Rep. Mirski spoke against.

Committee report adopted.

HB 1342, relative to the development of land and cutting of trees on land surrounding burial grounds and cemeteries. **INEXPEDIENT TO LEGISLATE.**

Rep. Nancy K. Johnson for Municipal and County Government: This bill as written restricts the cutting of trees and development within 25 feet of a known burial site. The majority of the committee agrees that cemeteries and the immediate surrounding area should be treated with respect. However, the bill is too restrictive in some regards and omits many other needed restrictions. For example, if a tree is dead or needs to be removed, this bill would restrict the necessary activity. In addition, the bill does not address the need to limit the cutting of other vegetation such as lilac bushes or protecting stone walls around a cemetery. Vote 13-3.

Committee report adopted.

HB 1345, establishing a commission to study community relations between the town of Plymouth and Plymouth state university. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Eric G. Stohl for the Majority of Municipal and County Government: The committee received two bills regarding conflicts between the town of Plymouth, Plymouth State University (PSU) and the University System of New Hampshire (USNH). HB 1679 was amended to resolve the issue where there was competition between the private vendors on campus and the private businesses in the community. The committee unanimously agreed on a 13-0 committee vote to a compromise, placed HB 1679 on the Consent Calendar and the bill was passed by a voice vote on the floor of the House. The second bill, this one, sought to establish a commission to study community relations between the town of Plymouth and Plymouth State University (PSU). An amendment to replace the entire bill was introduced at the public hearing. This amendment required USNH to meet with the governing body of Plymouth at least once every three years to negotiate a reasonable cost-sharing agreement for public safety services and to determine a reimbursement amount for the same. It further required that if the parties reached an impasse in negotiations, the Board of Tax and Land Appeals (BTLA) shall conduct an expedited hearing and issue a ruling on the provisions to be contained in the new agreement. The majority of the committee feels that the resolution in HB 1679, relative to the property tax exemption for the university system property, will help assist in acquiring a resolution to the local issues stated in the amendment to HB 1345 in Plymouth and therefore no further action is needed to be taken by this legislature. Vote 8-6.

Rep. Mary R. Cooney for the Minority of Municipal and County Government: The people of Plymouth have had their constitutional rights violated by a system set in place in 1963 when the legislature granted the University System of New Hampshire exemption from all taxation and responsibility to host communities for public safety costs associated with its buildings and residential population. HB 1345 as amended seeks to remedy a flawed negotiations' process between the town of Plymouth and Plymouth State University. True negotiations are characterized by equal power by both parties. The process as it currently exists puts 100% power in the hands of the University. USNH' legislative immunity from responsibility to its host community has produced unfair, lopsided public safety reimbursement agreements and gross underpayments, which in turn, have inflated local tax rates. This long-standing PSU cost-shifting, tolerated by the legislature, is violating the peoples' rights under Articles 8 and 12 of the NH Constitution and increasingly compromising the safety and security of an entire community, townspeople, and students alike. The issue is fairness. This bill simply seeks to eliminate the "take it or leave it" USNH attitude that presently prevails and replace it with an authentic and fair negotiations process characterized by "Give and Take." To ensure fairness, this bill establishes a requirement to negotiate at least every three years and an appeal process with the Board of Tax and Land Appeals in the event agreement is not reached. The provisions of this bill are necessary to remedy a flawed process, for future public safety negotiations. Town officials believe this legislation will restore a small measure of local control enabling the local recovery of fair share basic public safety costs from Plymouth State University. Plymouth is not seeking reimbursement for other municipal costs or any other public expenses. PSU cost shifting has reached an untenable level; the town and taxpayers do not have the tax base or fiscal means to continue absorbing the growing extensive and expensive impact. This bill simply corrects a flawed process ensuring just and fair compensation, hence, allowing the town's ability to provide for the most basic of services: public safety.

Majority committee report adopted.

Rep. Heald declared a conflict of interest and did not participate.

HB 1629-FN-L, relative to property revaluation schedules in towns and cities and review by the department of revenue administration. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul R. Hopfgarten for the Majority of Municipal and County Government: This bill requires that the Department of Revenue Administration ensure that all towns or cities have a complete property revaluation in the past two years be completed by December 31, 2007. As a result of the court cases involving assessing practices statewide, the Assessing Standards Board was created. One thing that was mandated by the legislature was a time frame for all municipalities to have their assessments reviewed by the DRA. This review process needed to be completed within a five-year cycle that ends in the year 2007. The majority finds this legislation unnecessary in light of current practices already in place that will have all the municipalities' assessment review completed by April 1, 2007. Vote 13-1.

Rep. Harry S. Gale for the Minority of Municipal and County Government: If you thought that revaluation and county taxing formulas were designed to create equalization, proportionality, fairness and equity, and you come to understand, for example, that a community with 8% of a county's population pays 28% of the county tax liability and that a community with a population of 850 citizens paid \$700,000.00 in county taxes and that a community which uses 3% of the county's services pays 28% of the county's taxes, and that a community with 12% of the county's population pays almost 30% of the county taxes, and that several communities pay more in county taxes than they do to operate their respective local governments, would you not feel compelled to file a minority report against a committee of ITL HB 1698? The minority feels that a motion to kill this bill is nothing more than a postponement of a legislative obligation to repair such matters. To do so would in fact achieve the greatest relief for property taxpayers throughout our state. Majority committee report adopted.

HB 1343, establishing a committee to study the administration and jurisdiction of the council on resources and development. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James B. Rausch for Public Works and Highways: This bill, as amended, replaces the original bill and makes statutory changes that clarify the role of the Council on Resources and Development (CORD) to be advisory. Since the inception of CORD in 1950 the duties of the council were specified to be advisory only. In 1961 RSA 162, which established the council was repealed.

In 1963 RSA 162-C was passed which re-established CORD and again stated the decisions were to be advisory only. This bill makes CORD advisory to the Long Range Capital Planning and Utilization Committee and the Governor and Council for the disposal of state-owned real estate. It additionally requires the Council to provide a copy of its minutes to the Senate President, Speaker of the House, Long Range Capital Planning and Utilization Committee and the Governor and Council. The amendment further requires the disposal of surplus property by the NH Housing Finance Authority to receive approval from the Long Range Capital Planning and Utilization Committee and the Governor and Council for the leasing of railroad properties. This bill makes no changes to the responsibilities CORD has under Chapter 162-C for L-CHIP property, or to any other existing statutory responsibility. The clarification of the advisory duties of CORD allows for the Governor and Council and the Long Range Planning and Utilization Committee to fulfill their statutory responsibilities. Vote 12-0.

Amendment (1173h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the duties of the council on resources and development.

Amend the bill by replacing all after the enacting clause with the following:

1 Disposal of State-Owned Real Estate; Role of the Council on Resources and Development. Amend RSA 4:40, I to read as follows:

I. Except as provided in RSA 4:39-c, RSA 228:31-b, and RSA 204-D, upon recommendation of the head of any state department having jurisdiction over the same ~~[and with the approval of the council on resources and development]~~, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee, *with advice from the council on resources and development*, prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

2 Council on Resources and Development; Responsibilities. Amend RSA 162-C:2, IV to read as follows:

IV. Make studies and recommendations concerning changes to effectively coordinate the work of the agencies which have membership in the council ~~[-Recommendations adopted by a majority vote of the council shall be binding on the affected agencies which have membership in the council, unless the recommendations are in conflict with existing laws or rules];~~

3 Council on Resources and Development; Meeting Minutes. Amend RSA 162-C:4 to read as follows:

162-C:4 Meetings. The council shall meet at least once every 3 months, but may meet more often as it shall determine. The chairman shall prepare and deliver an agenda to all members at least 7 days in advance of each meeting. *The council shall provide a copy of the minutes from each meeting to the senate president, the speaker of the house of representatives, the long range capital planning and utilization committee, and the governor and council.*

4 Council on Resources and Development; Land Conservation Investment Program; Management. Amend RSA 162-C:9, I to read as follows:

I. Each assignment of land *under this subdivision* to a state agency or a municipality shall be subject to review and reassignment if the council deems it advisable.

5 Surplus Lands Housing Program; Sale of Land by New Hampshire Housing Finance Authority. Amend RSA 204-D:4, V to read as follows:

V. The authority may sell or otherwise transfer land transferred to the authority pursuant to this chapter upon which affordable housing has been constructed only if the authority has established controls to ensure that the housing shall remain affordable to persons of low or moderate income for a period of at least 30 years after such sale or transfer. The authority may sell or otherwise transfer undeveloped land transferred to the authority under this chapter only after receiving approval from *the long range capital planning and utilization committee, with advice from the council on resources and development established in RSA 162-C and final approval by the governor and council*. The authority may lease land which is transferred to the authority under this chapter.

6 Leasing Railroad Properties. Amend RSA 228:57-a, II to read as follows:

II. The provisions of RSA 4:40, requiring first offering the land for lease to political subdivisions, shall not apply to this section. However, leases shall continue to be approved by ~~the council on resources and development and~~ the long range capital planning and utilization committee, *with advice from the council on resources and development*, before final approval by the governor and council.

7 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill:

I. Requires the council on resources and development to give advice, rather than approval, prior to the disposal of state-owned lands.

II. Removes the binding effect of the council's recommendations relative to coordination of member agencies.

III. Requires the council to provide the legislature and governor and council with copies of the council's meeting minutes.

IV. Requires the New Hampshire housing finance authority to obtain the approval of the long-range capital planning and utilization committee, with advice from the council on resources and development, and final approval by the governor and council, prior to the transfer of lands under the surplus lands housing program.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elisabeth N. Sanders for Resources, Recreation and Development: This bill accomplishes four things: (1) All forest rangers hired after January 1, 2005 are to complete the preparatory training for full-time police officers established by the police standards and training council; (2) authorizes the director of the division of forests and lands to regulate entry into, or movement within, the state of any wood product which may cause the introduction or spread of a dangerous insect or disease; (3) defines and regulates wood concentration yards; and (4) penalizes the failure to provide a written contract for the purchase or sale of forestry products as a deceptive forestry business practice. This legislation supports the efforts of the Division of Forests and Lands, and while some committee members felt that the full-time police training is unnecessary, the bill will provide Forest Rangers with enhanced tools to better protect the forest resources under their jurisdiction. Vote 14-3.

Amendment (1108h)

Amend the bill by replacing all after the enacting clause with the following:

1 Forestry; Definitions. Amend RSA 227-G:2, XIV to read as follows:

XIV. "Primary wood processing mill" means any permanent or portable mill, *or any off-site log yard operated by a primary wood processing mill*, wherever located, sawing or otherwise processing logs, bolts, pulpwood, or other primary forest products into secondary forest products.

2 Forestry; Definitions. Amend RSA 227-G:2, XVII to read as follows:

XVII. "Wood concentration yard" means *any site established and used for the purchase and resale of primary forest products from off-site locations and which is not a primary wood processing mill.*

XVIII. "Woodland" includes cut-over land, slash, and such other land as bears a sufficient amount of wood growth, wood, weeds, grass, or other growth as to be likely to be burned over.

3 New Paragraph; Forestry; Fines; Penalties. Amend RSA 227-G:5-a, by inserting after paragraph II the following new paragraph:

III. Unless otherwise provided by law, any person who violates any rule adopted under RSA 227G:4 shall be guilty of a violation.

4 Forestry; Validity of Prosecutions. Amend RSA 227-G:8 to read as follows:

227-G:8 Validity of Prosecutions. Forest rangers and officials of the division appointed to enforce this title and other laws provided for in RSA 227-G:7 are authorized, upon successful completion of the preparatory training programs for *full-time or* part-time police officers established by the police standards and training council under RSA 188-F and their subsequent certification as

full-time or part-time police officers, to prosecute these laws within the jurisdiction of municipal and district courts, unless the prosecutorial jurisdiction over a particular case or class of cases is preempted by the county attorney or the attorney general. Prosecutions for violations of any provisions of this title are declared to be valid and proper, notwithstanding the existence of any law of this state dealing with matters that may be the same as or similar to those covered by this title.

5 Forestry; Training of Forest Rangers. Amend RSA 227-G:9 to read as follows:

227-G:9 Training of Forest Rangers.

I. Any forest ranger of the division appointed to enforce the provisions of this title and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for part-time police officers established by the police standards and training council pursuant to RSA 188-F no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a part-time police officer.

II. Any forest ranger of the division hired after January 1, 2005 appointed to enforce the provisions of this title and other laws provided for in RSA 227-G:7, shall successfully complete the preparatory training for full-time police officers established by the police standards and training council pursuant to RSA 188-F no later than one year from the date of hire. Upon successful completion of the training program, such forest ranger shall be certified as a full-time police officer.

III. Any forest ranger of the division hired before January 1, 2005 shall be certified as a full-time police officer upon successful completion of the preparatory training for full-time police officers established by the police standards and training council pursuant to RSA 188-F.

6 New Paragraphs; Forest Health; Duties of the Director. Amend RSA 227-K:2 by inserting after paragraph II the following new paragraphs:

III. The director and the director's authorized agents may prohibit or regulate the entry into the state, or the movement within the state, of any tree, timber, log, wood, pole, underwood, or bark, or the products thereof, which in the agent's judgment may cause the introduction or spread of a dangerous insect or disease.

IV. The director, with the approval of the commissioner and after notice and hearing pursuant to RS 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the director under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

V. The proceeds of administrative fines levied pursuant to paragraph III shall be deposited by the director into the forest management and protection fund established under RSA 227-G:5, I.

7 Forest Resource Information; Primary Wood Processing Mills. Amend RSA 227-I:9 to read as follows:

227-I:9 Primary Wood Processing Mills; *Wood Concentration Yards*; Registration; Penalty.

I. In order to [~~provide for the safety of woodlands from fire in relation to primary wood processing mills, and to protect and develop the state's forest resources, information as to location, owner, type of mill, operating capacity, species and volumes of wood and timber being processed, and output of wood and timber products shall be required~~] *protect and develop the state's forest resources, provide for the safety of woodlands from fire in relation to primary wood processing mills, and to respond to forest health threats, such mills and wood concentration yards shall be registered by the director. Primary wood processing mills shall provide the director with information on the locations, owner, type of mill, operating capacity, species, volumes, and state of origin of wood harvested and timber processed, purchased, and sold, and the output of wood and timber products.*

II.(a) No person shall operate or cause to be operated any mill processing primary forest products *or wood concentration yard* unless said mill *or wood concentration yard* shall be registered by the director.

(b) There shall be an annual mill registration fee of \$20 for all mills processing primary forest products *or wood concentration yards*, regardless of size, type of mill *or wood concentration yard*, or primary product being processed.

(c) Application for registration shall be made on forms provided by the director, giving the name of owner or owners, *and* locations ~~[-type and capacity]~~ of a **primary wood processing mill or a wood concentration yard**. **Primary wood processing mills shall provide the director with information on the [-] products produced, type, capacity,** and such other pertinent information as the director may require. One application shall cover a mill complex in a given location involving more than one unit of equipment.

(d) The director shall issue to the applicant a permanent registration number assigned to the mill *or wood concentration yard* described in the application together with a sign or plate denoting such registration number, to be displayed in a conspicuous place at the mill *or wood concentration yard*.

III. The director, or duly authorized agent, may, at any time, inspect any primary wood processing mill *or wood concentration yard* to assure compliance with the provisions of this chapter.

IV. Any person who violates any of the provisions of this section or rules adopted under RSA 541A shall, for the first 30-day period, be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Each subsequent 30-day period or part thereof shall constitute a separate offense.

8 Timber Harvesting; Deceptive Forestry Business Practices. Amend RSA 227-J:15, II to read as follows:

II. In this section, "adulterated" means varying from a standard of composition or quality prescribed by any statute providing criminal penalties for such variance, or set by established commercial usage. In this section, "misabeled" means varying from a standard of truth or disclosure in labeling prescribed by any law providing criminal penalties for such variance, or set by established commercial usage. In this section, "scale slip" means a written or printed form or combination of forms which provide an accurate, readily understandable record ~~[of the measurement of the wood to which it relates and is prepared by the person who measured the wood]~~ **containing the species of wood product, board footage of each individual log when the standard unit of measurement is per thousand board feet, or tonnage or cordage when not sold per thousand board feet, gross scale, defect, net scale, date wood was measured, and the name of the party scaling the wood.**

III. **A person is guilty of a misdemeanor if, in the course of buying or selling a forest product as defined in RSA 227-G:4, VII, he or she recklessly fails to provide a written contract to the owner, prior to the cutting from the owner's property any forest products which are subject to a notice of intent to cut as defined in RSA 79:10. The contract shall be signed by both parties, specify the remuneration for the forest products to be cut, and the time in which remuneration shall be made.**

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Requires all forest rangers hired after January 1, 2005 to complete the preparatory training for full-time police officers established by the police standards and training council and provides that any forest ranger hired before January 1, 2005 shall be certified as a full-time police officer upon successful completion of the preparatory training course.

II. Authorizes the director of the division of forests and lands to regulate entry into, or movement within, the state of any wood product which may cause the introduction or spread of a dangerous insect or disease.

III. Defines and regulates wood concentration yards.

IV. Penalizes the failure to provide a written contract for the purchase or sale of forestry products as a deceptive forestry business practice.

Amendment adopted.

On a division vote, 227 members having voted in the affirmative and 84 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1666-FN-A, authorizing a memorandum of understanding between state and local law enforcement and the United States Department of Homeland Security regarding immigration enforcement and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Kris E. Roberts for the Majority of State-Federal Relations and Veterans Affairs: This bill as written raises far more questions than it answers. The majority of the committee believes that

immigration enforcement is a federal government issue. Under current law, any law enforcement officer has the ability to arrest any person for violation of any state or federal law. They also have the right to hold an individual for immigration violations and then notify Department of Homeland Security for pickup. In most cases Department of Homeland Security will release the individual with future court date. Second, the majority of the committee has concerns with the uncertain fiscal impact of this bill on the state of New Hampshire. While the federal government may fund the tuition cost of the training, the local community in the state still has to fund the salaries of personal undergoing training, along with the cost of overtime. The only way to not pay their costs is create a gap in the police portion. The majority believes this would be an uncertain expense to our general fund in the future. In addition, there is also a fiscal cost to our local communities. If the local law-enforcement officer is doing immigration enforcement, he/she is taken away from his/her primary job. The majority of the committee is not prepared to support the imprecise fiscal consequences of this bill. Third, the bill gives the Department of Safety discretion to enter into a memorandum of understanding with Department of Homeland Security. The majority of the committee believes this is much too broad and would have rather seen more details about what is in this memorandum on the bill. Vote 9-2.

Rep. Lars T. Christiansen for the Minority of State-Federal Relations and Veterans Affairs: Forthcoming federal legislation on local reimbursement funding left questions to be answered. My recommendation of interim study would provide time for such research, but was not accepted by the committee.

Reps. Renzullo and Mirski spoke against.

Reps. Roberts and Coughlin spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Newton requested a roll call; sufficiently seconded.

YEAS 172 NAYS 160

YEAS 172

BELKNAP

Millham, Alida	Morrison, Gail	Nedeau, Stephen	Russell, David
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CARROLL

Brown, Carolyn	Buco, Thomas	Knox, J David	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espies, Peter
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Weed, Charles			

COOS

King, Frederick	Mears, Edgar	Merrick, Scott	Theberge, Robert
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GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Carew, James	Chase, Claudia	Clemons, Jane
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Goley, Jeffrey	Gorman, Mary

Graham, John
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Smith, David
Velez, Hector

Hall, Betty
Jean, Claudette
Lefebvre, Roland
O'Connell, Timothy
Schulze, Joan
Sullivan, Francis

Harvey, Suzanne
Jeady, Jean
Matarazzo, Anthony Sr
Pappas, Christopher
Shattuck, Gilman
Sullivan, Peter

Holden, Randolph
Kopka, Angeline
Michon, Stephen
Pilotte, Maurice
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Bouchard, Candace
DeJoie, John
Gile, Mary
Marple, Richard
Reardon, Tara
Tilton, Joy
Williams, Robert

Brueggemann, Donald
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Clarke, Claire
Foose, Robert
Lockwood, Priscilla
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

Currier, David
French, Barbara
MacKay, James
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Bishop, Franklin
Dowling, Patricia
Gould, Kenneth
Norelli, Terie
Powers, James
Rolston, James
Stone, Joseph

Brown, C.
Flanders, John Sr
Johnson, Robert
Palazzo, Frank
Priestley, Anne
Sanders, Elisabeth
Waterhouse, Kevin

Cali-Pitts, Jacqueline
Flockhart, Eileen
Langley, Jane
Pantelakos, Laura
Rausch, James
Serlin, Christopher
Welch, David

Charron, Gene
Francoeur, Sheila
Moody, Marcia
Parker, Benjamin
Robertson, Carl
Splaine, James

STRAFFORD

Berube, Roger
Creteau, Irene
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Jennifer
Domingo, Baldwin
Keans, Sandra
Rous, Emma
Taylor, Katherine

Brown, Lawrence
Dunlap, Patricia
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Cilley, Jacalyn
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

NAYS 160

BELKNAP

Allen, Janet
Pilliod, James
Tobin, William

Boyce, Laurie
Rosen, Ralph
Veazey, John

Fitzgerald, James
Thomas, John
Wendelboe, Fran

Heald, Bruce
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Morrow, Harry

Babson, David Jr
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

McConkey, Mark
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

COOS

Buzzell, Bernard
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Gionet, Edmond
Mirski, Paul

Giuda, Robert
Naro, Debra

Ingbretson, Paul
Sorg, Gregory

Maybeck, Margie
Ward, John

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carter, Mark	Christensen, D L Chris	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald
Elliott, Nancy	Gibson, John	Golding, William	Goyette, Peter Jr
Haley, Robert	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Infantine, William	Jasper, Shawn	Johnson, Paula	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
Moran, Edward	O'Brien, William	Ober, Lynne	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Shaw, Kimberly
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Danforth, James	Field, William
Greco, Vincent	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Maxfield, Roy	Reed, Dennis
Whiting, Herbert			

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Morris, Richard	Nowe, Ronald
Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew	Robinson, John
Scamman, Stella	Stiles, Nancy	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Easson, Timothy	Hofemann, Roland
Hollinger, Jeffrey	Newton, Clifford		

SULLIVAN

Irish, Christopher
and the majority committee report was adopted.

SPECIAL ORDER - BILLS REMOVED FROM CONSENT CALENDAR

HB 1233-FN, including public officials under the real estate practice act. **INEXPEDIENT TO LEGISLATE.**

Rep. Stella Scamman for Commerce: This bill would require public officials to follow the Real Estate Practice Act and have real estate licenses. The committee felt this bill was not necessary. First, there was no testimony of any serious problems. Second, all public officials do take an oath of ethics to hold office. Third, licensure is not necessary. Training sessions sponsored by such organizations as the New Hampshire Municipal Association can give public officials the background and skills necessary in dealing with real estate issues. Vote 16-1.

Rep. Newton spoke against.

Rep. Stella Scamman spoke in favor.

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 269 NAYS 57**YEAS 269****BELKNAP**

Allen, Janet	Fitzgerald, James	Heald, Bruce	Millham, Alida
Morrison, Gail	Neddeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Weed, Charles	

COOS

King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Toll, John Jr			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Biundo, Michael	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carter, Mark	Chase, Claudia	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Egbers, Fran	Essex, David	Foster, Linda	Gargas, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Hansen, Ryan	Harvey, Suzanne	Hawkins, Ken
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Judy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Lessard, Rudy
Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen	Messier, Irene
Michon, Stephen	Mooney, Maureen	Moran, Edward	Movsesian, Lori
O'Connell, Timothy	Ober, Lynne	Pappas, Christopher	Price, Pamela
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve
Velez, Hector	Wheeler, Robert		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen

Foose, Robert
 Hamm, Christine
 Langlais, Thomas
 Maxfield, Roy
 Reardon, Tara
 Tilton, Joy
 Williams, Robert

French, Barbara
 Kidder, David
 Lockwood, Priscilla
 McMahon, Patricia
 Reed, Dennis
 Tupper, Frank
 Yeaton, Charles

Gile, Mary
 Klose, John
 MacKay, James
 Osborne, Jessie
 Ryan, Jim
 Wallner, Mary Jane

Greco, Vincent
 L'Heureux, Stephen
 Marple, Richard
 Potter, Frances
 Shurtleff, Stephen
 Walz, Mary Beth

ROCKINGHAM

Allen, Mary
 Brown, C.
 Casey, Kimberley
 Dowd, John
 Flockhart, Eileen
 Griffin, Mary
 Introne, Robert
 Langley, Jane
 McMahon, Charles
 Packard, Sherman
 Powers, James
 Rolston, James
 Splaine, James
 Welch, David

Belanger, Ronald
 Buxton, Donald
 Charron, Gene
 Dowling, Patricia
 Forsing, Robert
 Headd, James
 Johnson, Robert
 Major, Norman
 Moore, Benjamin
 Palazzo, Frank
 Priestley, Anne
 Sanders, Elisabeth
 Stiles, Nancy
 Weldy, Norman

Bicknell, Elbert
 Cady, Harriet
 Coburn, James
 Fesh, Bob
 Francoeur, Sheila
 Hughes, Daniel
 Katsakiores, George
 Mason, April
 Morris, Richard
 Pantelakos, Laura
 Robertson, Carl
 Scamman, Stella
 Stone, Joseph
 Wells, Roger

Bridle, Russell
 Cali-Pitts, Jacqueline
 Cooney, Richard
 Flanders, John Sr
 Gould, Kenneth
 Ingram, Russell
 Katsakiores, Phyllis
 McKinney, Betsy
 Norelli, Terie
 Parker, Benjamin
 Robinson, John
 Serlin, Christopher
 Waterhouse, Kevin
 Winchell, George

STRAFFORD

Berube, Roger
 Brown, Lawrence
 Domingo, Baldwin
 Kaen, Naida
 Rollo, Michael
 Spang, Judith

Bickford, David
 Cataldo, Sam
 Dunlap, Patricia
 Keans, Sandra
 Rous, Emma
 Taylor, Katherine

Brown, Jennifer
 Cilley, Jacalyn
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Taylor, Kathleen

Brown, Julie
 Creteau, Irene
 Johnson, Nancy
 Miller, Joseph
 Smith, Marjorie
 Wall, Janet

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte
 Prichard, Stephen

Donovan, Thomas
 Jillette, Arthur Jr
 Rodeschin, Beverly

Ferland, Brenda
 Osgood, Philip Jr

Franklin, Peter
 Phinzy, James

Boyce, Laurie

None

None

Buzzell, Bernard

Gionet, Edmond

Giuda, Robert

Ingbrtson, Paul

Mirski, Paul

Adams, Jarvis IV
 Buhlman, David
 Crane, Elenore Casey
 Hellwig, Steve
 O'Brien, William
 Ulery, Jordan

Balboni, Michael
 Campbell, David
 Elliott, Nancy
 Holden, Randolph
 Renzullo, Andrew
 Villeneuve, Maurice

Bergeron, Jean-Guy
 Christensen, D L Chris
 Gibson, John
 Lawrence, James
 Rowe, Robert
 Wheeler, James

Boehm, Ralph
 Clark, Mark
 Goyette, Peter Jr
 Mead, Robert
 Slocum, Lee

HILLSBOROUGH

MERRIMACK

Anderson, Eric

Field, William

Kennedy, Richard

Whiting, Herbert

ROCKINGHAM

Bettencourt, David

Bishop, Franklin

Camm, Kevin

Carson, Sharon

DiFruscia, Anthony

Dumaine, Dudley

Garrity, James

Hopfgarten, Paul

Itse, Daniel

Lund, Howie

Moody, Marcia

Nowe, Ronald

Quandt, Marshall Lee

Quandt, Matthew

Weyler, Kenneth

Zolla, William

STRAFFORD

Albert, Russell

Campbell, W Packy

Chaplin, Duncan

Easson, Timothy

Hollinger, Jeffrey

Newton, Clifford

SULLIVAN

Converse, Larry

Irish, Christopher

and the committee report was adopted.

The House recessed at 12:05 p.m.

RECESS**(Deputy Speaker Weyler in the Chair)**

The House reconvened at 1:25 p.m.

SPECIAL ORDER – BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)**HB 1399**, relative to the compensation paid to directors or officers of a charitable trust. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen T. Pelkey for Commerce: Setting percentage limitations on salaries of presidents and CEO's of charitable trusts is a violation of the 14th Amendment as stated by the Attorney General's office. Additionally, the Internal Revenue Service looks closely at reasonable compensation paid to directors and officers through 990 reporting of charitable trusts. Most of the testimony in support of this bill was focused primarily on the perceived high compensation paid to presidents and CEO's of hospitals which were within national averages for these positions to assume responsibility to manage budgets as high as 500 million dollars. Vote 15-2.

Rep. Cady spoke against.

Rep. McLeod spoke in favor.

On a division vote, 249 members having voted in the affirmative and 61 in the negative, the committee report was adopted.

(Speaker Scamman in the Chair)**HB 1137**, relative to criminal trespass. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill attempts to make legal an action that was ruled unconstitutional by a district court judge. During testimony, the Attorney General's representative said these were serious constitutional questions. A further unintended consequence was pointed out in that if a person was arrested and convicted under the provisions of this bill, as soon as they were released they would be subject to immediate re-arrest ad infinitum. Vote 14-2.

Rep. Renzullo spoke against.

Rep. Stevens spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Renzullo requested a roll call; sufficiently seconded.

YEAS 225 NAYS 105**YEAS 225****BELKNAP**

Fitzgerald, James

Millham, Alida

Morrison, Gail

Nedeau, Stephen

Pilliod, James

Russell, David

Veazey, John

Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Knox, J David	Martin, James	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	Weed, Charles

COOS

King, Frederick	Lary, Bruce	Mears, Edgar	Merrick, Scott
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Christensen, D L Chris	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Essex, David	Foster, Linda	Francoeur, Bea	Gargas, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Jeudy, Jean	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Mooney, Maureen	Moran, Edward
Movesian, Lori	O'Connell, Timothy	Pilotte, Maurice	Price, Pamela
Reeves, Sandra	Rosenwald, Cindy	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kidder, David
Klose, John	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	McMahon, Patricia	Osborne, Jessie
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Walner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Belanger, Ronald	Bridle, Russell	Brown, C.	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Dowd, John	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Griffin, Mary
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Major, Norman	Mason, April	McKinney, Betsy
Moody, Marcia	Norelli, Terie	Packard, Sherman	Pantelakos, Laura

Parker, Benjamin
Robertson, Carl
Scamman, Stella
Stone, Joseph
Weyler, Kenneth

Powers, James
Robinson, John
Serlin, Christopher
Waterhouse, Kevin
Winchell, George

Priestley, Anne
Rolston, James
Splaine, James
Welch, David
Zolla, William

Rausch, James
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Hilliard, Dana
Keans, Sandra
Rous, Emma
Wall, Janet

Bickford, David
Creteau, Irene
Hollinger, Jeffrey
Knowles, William
Schmidt, Peter

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Brown, Lawrence
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Franklin, Peter
Prichard, Stephen

Houde-Quimby, Charlotte
Rodeschin, Beverly

NAYS 105

BELKNAP

Allen, Janet
Thomas, John

Boyce, Laurie
Tilton, Franklin

Heald, Bruce
Tobin, William

Rosen, Ralph
Wendelboe, Fran

CARROLL

Babson, David Jr

Dickinson, Howard

McConkey, Mark

Morrow, Harry

CHESHIRE

Emerson, Susan

COOS

Buzzell, Bernard

Remick, William

Richardson, Herbert

GRAFTON

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

Ingretson, Paul
Sorg, Gregory

Maybeck, Margie
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Calawa, Leon Jr
Crane, Elenore Casey
Goyette, Peter Jr
Hellwig, Steve
Johnson, Paula
Mead, Robert
Rowe, Robert
Ulery, Jordan

Balboni, Michael
Boehm, Ralph
Carew, James
Dyer, Donald
Haley, Robert
Hirschmann, Keith
Lawrence, James
O'Brien, William
Slocum, Lee
Wheeler, James

Batula, Peter
Brundige, Robert
Carter, Mark
Elliott, Nancy
Hansen, Ryan
Infantine, William
Lessard, Rudy
Ober, Lynne
Souza, Kathleen

Bergeron, Jean-Guy
Buhlman, David
Clark, Mark
Gibson, John
Hawkins, Ken
Jasper, Shawn
McRae, Karen
Renzullo, Andrew
Stepanek, Stephen

MERRIMACK

Anderson, Eric
Kennedy, Richard

Danforth, James
Langlais, Thomas

Field, William
Soltani, Tony

Greco, Vincent

ROCKINGHAM

Allen, Mary
Cady, Harriet
Dumaine, Dudley

Bettencourt, David
Camm, Kevin
Forsing, Robert

Bicknell, Elbert
Carson, Sharon
Garriy, James

Bishop, Franklin
Coburn, James
Gilbert, Karl

Headd, James
Itse, Daniel
Palazzo, Frank

Hopfgarten, Paul
Lund, Howie
Quandt, Marshall Lee

Hughes, Daniel
McMahon, Charles
Quandt, Matthew

Introne, Robert
Nowe, Ronald
Weldy, Norman

STRAFFORD

Albert, Russell
Easson, Timothy

Brown, Julie
Hofemann, Roland

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan

SULLIVAN

Converse, Larry
and the committee report was adopted.

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

HB 1354, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.** Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill purposely removes the duty to retreat in the face of an attack. RSA 627:4 as currently written already sufficiently covers this concern. The duty to retreat does not occur if you are within your dwelling or its curtilage or, if any other place, where you can do so with complete safety.

This bill also would create a presumption that an attacker intended to cause serious bodily injury. This raises many concerns and could result in unintended consequences. Vote 13-3.

Rep. Dickinson spoke against and yielded to questions.

Rep. Kennedy spoke against.

MOTION TO SPECIAL ORDER

Rep. Robert Wheeler moved that **HB 1354**, relative to physical force in defense of a person, be made a Special Order for Thursday, March 9, 2006.

Adopted.

SPECIAL ORDER - BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HB 1736-FN-L, relative to tuition payments made to charter schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael A. Balboni for Education: The purpose of this bill, to authorize the Dept. of Education to send tuition money directly to state-approved charter schools instead of through a local school district, and to authorize the state treasurer to distribute these adequate education grants from the Education Trust Fund, has already been incorporated into HB 76 that passed the House and is now in the Senate. Therefore, there is no longer a need to pass this bill. Vote 15-0.

MOTION TO LAY ON THE TABLE

Rep. Lars Christiansen moved that **HB 1736-FN-L**, relative to tuition payments made to charter schools, be laid on the table.

Motion failed.

The question now being adoption of the committee report.

Committee report adopted.

SPECIAL ORDER - BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HB 1481, establishing a moratorium period for lobbying by certain state officers. **REFER FOR INTERIM STUDY.**

Rep. Richard B. Drisko for Election Law: This bill would amend RSA 15:1-a by extending the moratorium period on allowing former state officials or employees to become lobbyists. The bill expands the definition of affected employees and public officials. The committee is concerned that the bill as written has the potential to unfairly limit employment opportunities for certain individuals after they complete a period of service to the state. The committee felt that the issue should be subjected to additional review. In addition, some of the content of the bill was considered in SB 206. Vote 13-4.

Reps. Peter Sullivan and Soltani spoke against.

Rep. Whalley spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Peter Sullivan requested a roll call; sufficiently seconded.

YEAS 201 NAYS 132**YEAS 201****BELKNAP**

Allen, Janet
 Millham, Alida
 Russell, David
 Veazey, John

Boyce, Laurie
 Nedeau, Stephen
 Thomas, John
 Wendelboe, Fran

Fitzgerald, James
 Pilliod, James
 Tilton, Franklin
 Whalley, Michael

Heald, Bruce
 Rosen, Ralph
 Tobin, William

CARROLL

Ahlgren, Christopher
 Knox, J David
 Olimpio, J Lisbeth

Babson, David Jr
 Martin, James
 Patten, Betsey

Brown, Carolyn
 McConkey, Mark
 Philbrick, Donald

Dickinson, Howard
 Merrow, Harry
 Stevens, Stanley

CHESHIRE

Emerson, Susan
 Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

Parkhurst, Henry

COOS

King, Frederick
 Stohl, Eric

Lary, Bruce
 Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
 Maybeck, Margie
 Solomon, Peter

Gionet, Edmond
 McLeod, Martha
 Sorg, Gregory

Giuda, Robert
 Mirski, Paul
 Ward, John

Ham, Bonnie
 Nordgren, Sharon
 Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Campbell, David
 Coughlin, Pamela
 Drisko, Richard
 Golding, William
 Hawkins, Ken
 Kurk, Neal
 Lessard, Rudy
 Mooney, Maureen
 Price, Pamela
 Ryder, Donald
 Smith, David
 Wheeler, James

Balboni, Michael
 Boehm, Ralph
 Crew, James
 Crane, Elenore Casey
 Elliott, Nancy
 Gonzalez, Carlos
 Infantine, William
 L'Heureux, Robert
 McRae, Karen
 Moran, Edward
 Reeves, Sandra
 Scanlon, Michael
 Stepanek, Stephen
 Wheeler, Robert

Batula, Peter
 Brundige, Robert
 Carter, Mark
 Daniuk, Caitlin
 Francoeur, Bea
 Graham, John
 Jasper, Shawn
 Lawrence, James
 Mead, Robert
 O'Brien, William
 Renzullo, Andrew
 Schulze, Joan
 Tahir, Saghir

Bergin, Peter
 Buhlman, David
 Clark, Mark
 Desmarais, Vivian
 Gargas, Carolyn
 Hansen, Ryan
 Kopka, Angeline
 Lefebvre, Roland
 Messier, Irene
 O'Connell, Timothy
 Rowe, Robert
 Slocum, Lee
 Villeneuve, Maurice

MERRIMACK

Anderson, Eric
 Danforth, James
 Klose, John
 MacKay, James
 Reardon, Tara

Blanchard, Elizabeth
 Field, William
 L'Heureux, Stephen
 Marple, Richard
 Reed, Dennis

Brueggemann, Donald
 Kennedy, Richard
 Langlais, Thomas
 Maxfield, Roy
 Whiting, Herbert

Currier, David
 Kidder, David
 Lockwood, Priscilla
 Osborne, Jessie

ROCKINGHAM

Allen, Mary
 Bridle, Russell
 Carson, Sharon
 Cooney, Richard
 Forsing, Robert
 Gould, Kenneth

Belanger, Ronald
 Buxton, Donald
 Casey, Kimberley
 Dumaine, Dudley
 Francoeur, Sheila
 Griffin, Mary

Bettencourt, David
 Cady, Harriet
 Charron, Gene
 Fesh, Bob
 Garrity, James
 Headd, James

Bicknell, Elbert
 Camm, Kevin
 Coburn, James
 Flanders, John Sr
 Gilbert, Karl
 Hopfgarten, Paul

Hughes, Daniel
Johnson, Robert
Major, Norman
Morris, Richard
Parker, Benjamin
Robinson, John
Stone, Joseph
Weldy, Norman
Zolla, William

Ingram, Russell
Katsakiores, George
Mason, April
Nowe, Ronald
Priestley, Anne
Rolston, James
Waterhouse, Kevin
Wells, Roger

Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Rausch, James
Sanders, Elisabeth
Weare, E Albert
Weyler, Kenneth

Itse, Daniel
Lund, Howie
McMahon, Charles
Palazzo, Frank
Robertson, Carl
Scamman, Stella
Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Cataldo, Sam
Easson, Timothy
Keans, Sandra

Bickford, David
Chaplin, Duncan
Hollinger, Jeffrey
Newton, Clifford

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael

Campbell, W Packy
Dunlap, Patricia
Kaen, Naida
Wall, Janet

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 132 BELKNAP

Morrison, Gail

Buco, Thomas

CARROLL

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Roberts, Kris

Butcher, Suzanne
Dunn, J Timothy
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Eaton, Daniel
Pratt, John
Tilton, Anna

Chase, William
Espiefs, Peter
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Sokol, Hilda

Benn, Bernard
Harding, A Laurie

Bleyler, Ruth
Ingbretson, Paul

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Dokmo, Cynthia
Foster, Linda
Goyette, Peter Jr
Hellwig, Steve
Jean, Claudette
Matarazzo, Anthony Sr
Pappas, Christopher
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Cote, Peter
Dyer, Donald
Gibson, John
Haley, Robert
Hirschmann, Keith
Judy, Jean
Michon, Stephen
Pilotte, Maurice
Shaw, Kimberly
Ulery, Jordan

Bergeron, Jean-Guy
Craig, James
Egbers, Fran
Goley, Jeffrey
Hall, Betty
Holden, Randolph
Johnson, Paula
Movsesian, Lori
Rosenwald, Cindy
Souza, Kathleen
Vaillancourt, Steve

Brassard, Paul
DeVries, Betsi
Essex, David
Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
Lasky, Bette
Ober, Lynne
Shattuck, Gilman
Sullivan, Francis

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
French, Barbara
McMahon, Patricia
Shurtleff, Stephen
Walz, Mary Beth

DeJoie, John
Gile, Mary
Potter, Frances
Soltani, Tony
Williams, Robert

DeStefano, Stephen
Greco, Vincent
Rush, Deanna
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Brown, C.	Cali-Pitts, Jacqueline	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Langley, Jane	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Serlin, Christopher	Splaine, James	Stiles, Nancy	

STRAFFORD

Beube, Roger	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Hilliard, Dana	Hofemann, Roland	Knowles, William
Miller, Joseph	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinazy, James	Prichard, Stephen

and the committee report was adopted.

HB 1216, relative to the sale of unpasteurized milk. **OUGHT TO PASS WITH AMENDMENT.** Rep. Jane E. Beaulieu for Environment and Agriculture: This bill is a matter of choice. Unpasteurized milk and milk products may be sold and served only if such milk products are clearly labeled as unpasteurized similar to the labeling of unpasteurized apple cider. All dairy farmers will continue to follow all rules and regulations set forth by the Department of Agriculture and the Department of Health and Human Services. The Commissioner may adopt rules pursuant to RSA 541-A relative to the manufacturer, labeling and the sale of milk and milk products in New Hampshire. Vote 13-0.

Amendment (1223h)

Amend the bill by replacing all after the enacting clause with the following:

1 Pasteurization. RSA 184:30-a is repealed and reenacted to read as follows:

184:30-a Pasteurization of Milk and Milk Products Not Required.

I. Unpasteurized milk and milk products may be sold, offered for sale, and served only if such milk and products are clearly labeled as unpasteurized and such label is clearly displayed. The commissioner may adopt rules pursuant to RSA 541-A, relative to the manufacture, labeling, and sale of milk and milk products in New Hampshire.

II. The provision of paragraph I shall not prohibit the sale, within the state, of cheese made from raw milk when such cheese has been aged a minimum of 60 days at a temperature above 35 degrees fahrenheit, and is clearly labeled as unpasteurized.

2 Original Containers. Amend RSA 184:30-b to read as follows:

184:30-b Original Containers. It shall be unlawful for any fixed and mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grille; soda fountain; tearoom; cocktail lounge; roadside stand; hospital and other institution; industrial feeding establishment; school; private organization routinely serving the public; catering kitchen; commissary or similar places in which food is prepared for sale or for service on the premises or elsewhere, or any eating or drinking establishment where food is served to or provided for the public with or without charge to sell or serve milk or fluid milk products unless ~~[pasteurized and]~~ in the original individual containers **and clearly marked as pasteurized or unpasteurized** in which they were packaged at the milk plant.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the sale of unpasteurized milk if such milk and milk products are clearly labeled as unpasteurized.

This bill is a request of the department of health and human services.

Rep. Pilliod spoke against.

Rep. Sawyer spoke in favor and yielded to questions.

On a division vote, 213 members having voted in the affirmative and 110 in the negative, the committee amendment was adopted.

Committee report adopted and ordered to third reading.

(Deputy Speaker Weyler in the Chair)

HB 1534, relative to maintaining construction and demolition debris as a solid waste. **OUGHT TO PASS.**

Rep. James F. Powers for Environment and Agriculture: This bill regulates the wood component of construction and demolition waste as a solid waste thereby ensuring that there will be proper control and oversight of wood waste products that contain or are treated with toxic pollutants. The committee was unanimous in its opinion that care should be taken in handling such wood debris, particularly as much of it is being imported from out of state. Salvaged materials and items, such as doors, wood frames, window frames, and other wood products, as well as reusable dimensional lumber from dismantling or deconstructing buildings and structures are not affected by this classification. Vote 18-0.

Rep. Slocum spoke against and yielded to questions.

Rep. Itse spoke against.

Rep. Phinizy spoke in favor.

On a division vote, 216 members having voted in the affirmative and 97 in the negative, the committee report was adopted.

Ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Bergin moved that **HB 1616**, establishing a performance measurement system for state agencies, be made a Special Order to its regular place on the calendar for March 9, 2006.

Adopted.

SPECIAL ORDER – BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

HB 1129, relative to eminent domain. **REFER FOR INTERIM STUDY.**

Rep. Maureen C. Mooney for Judiciary: This bill proposes a statutory definition for "public use" in New Hampshire law. The committee noted that this bill closely resembles HB 1254 and SB 287 and therefore recommended Interim Study. The sponsor agreed to this recommendation. Vote 17-0.

Rep. Villeneuve spoke against.

Rep. Mooney spoke in favor.

Committee report adopted.

(Speaker Scamman in the Chair)

HB 1510, relative to leave of absences to serve as a legislator. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for Labor, Industrial and Rehabilitative Services: This bill tries to establish a procedure for leaves of absence in order to be a candidate for and, if elected, serve as a legislator in the New Hampshire General Court. The committee understood the intent of this bill, which was to encourage participation in our governmental process, but determined the bill as written to be a burden to the employer with many unintended consequences. Concerns about encouraging citizen participation can be addressed in Interim Study on HB 1133, establishing the Employee Civic Duty Act. Vote 10-4.

Rep. Cali-Pitts spoke against.

Rep. Bridle spoke in favor.

Committee report adopted.

CACR 33, relating to the number of members of the senate and senatorial districts. Providing that the senate shall consist of 30 members with 3 elected at large from each district and that senate districts shall conform to county boundaries. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Legislative Administration: The sponsor's intent was to increase representation for the North Country. Unfortunately, the United States Supreme Court would rule that it violates the one-man one vote rule and it would be struck down. The sponsor wanted the committee to pass it anyway, but the committee is reluctant to take on an expensive and ultimately futile effort. Vote 9-0.

Rep. Buzzell spoke against.

Rep. Hunt spoke in favor.

On a division vote, 259 members having voted in the affirmative and 40 in the negative, the committee report was adopted by the constitutionally required three-fifths vote.

REGULAR CALENDAR

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard B. Drisko for Election Law: The long standing tradition in New Hampshire is to have as many small representative districts as possible so as to best represent all the people of New Hampshire. This CACR, as amended, will allow the legislature to use floterial districts as used in the past without question or challenges in the courts. This will make sure that our state will have as many small house districts as possible. Vote 16-0.

Amendment (1162h)

Amend paragraph I of the resolution by replacing it with the following:

I. That the second part of the constitution be amended by replacing article 11 with the following:
 [Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats the town or ward shall have its own district of one or more representative seats. The apportionment shall not deny any other town or ward membership in one non-floterial representative district. When any town, ward, or unincorporated place has fewer than the number of inhabitants necessary to entitle it to one representative, the legislature shall form those towns, wards, or unincorporated places into representative districts which contain a sufficient number of inhabitants to entitle each district so formed to one or more representatives for the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous. The excess number of inhabitants of a district may be added to the excess number of inhabitants of other districts to form at-large or floterial districts conforming to acceptable deviations. The legislature shall form the representative districts at the regular session following every decennial federal census.
 Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:
 "Are you in favor of amending the second part of the Constitution by amending article 11 to read as follows:

[Art.] 11. [Small Towns; Representation by Districts.] When the population of any town or ward, according to the last federal census, is within a reasonable deviation from the ideal population for one or more representative seats the town or ward shall have its own district of one or more representative seats. The apportionment shall not deny any other town or ward membership in one non-floterial representative district. When any town, ward, or unincorporated place has fewer than the number of inhabitants necessary to entitle it to one representative, the legislature shall form those towns, wards, or unincorporated places into representative districts which contain a sufficient number of inhabitants to entitle each district so formed to one or more representatives for the entire district. In forming the districts, the boundaries of towns, wards, and unincorporated places shall be preserved and contiguous. The excess number of inhabitants of a district may be added to the excess number of inhabitants of other districts to form at-large or floterial districts conforming to acceptable deviations. The legislature shall form the representative districts at the regular session following every decennial federal census."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that when a town or ward has enough inhabitants to equal or exceed the number required for one representative seat, it shall have its own district. The legislature shall form towns, wards, or unincorporated places with fewer than the number of inhabitants necessary for a representative seat into districts entitled to one or more representatives. Excess population may be combined with other contiguous districts to allow for additional at-large or floterial representatives.

Amendment adopted.

On a division vote, 256 members having voted in the affirmative and 55 in the negative, the committee report was adopted by the constitutionally required three-fifths vote.

Ordered to third reading.

CACR 30, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the Majority of Judiciary: In the well-publicized case of Kelo et al. v. City of New London and New London Development Corp., 125 S.Ct. 2655 (2005), the U.S. Supreme

Court held that private property may be taken by eminent domain and transferred to private developers solely to promote economic development. CACR 30 is a direct response to the Kelo decision. New Hampshire citizens were justifiably concerned that the Supreme Court had defined "public purpose" so broadly as to render meaningless the existing property protections found in our State Constitution and the jurisprudence of our New Hampshire Supreme Court. In prior cases, the New Hampshire Supreme Court has interpreted the constitution as allowing an uncertain and amorphous "balancing test" for "economic development" takings. Kelo has simply rendered that "balancing test" meaningless. It has set the bar so low as to ensure that property owners will never be able to stop, protest or obtain meaningful judicial review of a governmental entity's decision to take that citizen's property and immediately transfer it to enrich a wealthier or more politically influential private developer. CACR 30 is a legislative answer to these real concerns. Part I, Art. 2 of the New Hampshire Constitution lists "natural rights" which are "natural, essential and inherent" to citizens. Among those rights is "acquiring, possessing and protecting property." New Hampshire citizens want and deserve a chance to vote on whether to restore the fundamental property protections the U.S. Supreme Court stripped away in Kelo. CACR 30 will restore the original and common understanding that private property cannot be taken by eminent domain for anything other than use by a political subdivision, state-regulated public utility or common carrier, or when the taking is necessary for the ownership or the use of the property by the public at large (i.e., not for the private profit of private developers). The language of the amended CACR also mirrors SB 287, which comprehensively defines "public use" in the statutes. SB 287 recently passed in the Senate 24-0. Additionally, if approved by the voters, this amendment will be in its own new Article 12-a. so as to preserve the original 1784 language of Article 12, which addresses taxation, as well as property rights. We believe that we have an obligation to allow the citizens of New Hampshire to vote to affirm that Kelo-like takings were not, are not, and will never be, the New Hampshire way. As legislators, we took a solemn oath to support and defend the Constitutions of the State of New Hampshire and the United States of America. When an event such as Kelo so threatens and undermines our long-standing, common understanding of what the government can and can not do to the citizens through the use of the eminent domain power, support for CACR 30 is the only appropriate response. Vote 11-9.

Rep. Bette R. Lasky for the Minority of Judiciary: The bipartisan minority of the Judiciary Committee feels very strongly in protecting our citizens' ownership of property. The NH Constitution says in Part I, Art. 12 that "... no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." NH statutes and judicial decision have been consistent in the protection of private property rights as well. Also, the Senate has just addressed SB 287-FN with a resounding vote of 24-0 which further clarifies the term "public use" and makes the possibility of a "Kelo vs. New London" decision here even more remote. The minority feels a change in the constitution is premature. Additionally, there is legislation pending to form a study committee to review our existing eminent domain laws. The minority believes this should be place before we make any change in our constitution.

Majority Amendment (0982h)

Amend the title of the bill by replacing it with the following:

RELATING TO: limits on the taking of private property.

PROVIDING THAT: eminent domain shall not be used to transfer real property from one owner to another on the grounds that private use of the land will benefit the public. Property may be taken by the state only when necessary for the enjoyment of the land by the public at large.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain on the grounds that private development will benefit the public. Eminent domain may be used by the state only when necessary for the ownership or use of the property by the public at large.

Rep. DiFruscia spoke against.

Rep. Mooney spoke in favor.

Reps. Rowe and Soltani spoke in favor and yielded to questions.

Majority committee amendment adopted.

MOTION TO SPECIAL ORDER

Rep. Whalley moved that CACR 30, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development, be made a Special Order for Wednesday, March 22, 2006 and spoke in favor. Motion adopted.

SPECIAL ORDER - BILLS REMOVED FROM CONSENT CALENDAR

HB 1757, relative to taxation of renewable generation facilities. **INEXPEDIENT TO LEGISLATE.** Rep. Andrew Renzullo for Municipal and County Government: While the committee may support renewable energy facilities, the burden of their economic viability should not be transferred to the backs of the residential property owner. If the state wished to encourage alternative energy development it should do so with its own funding sources. In addition, the President's State of the Union address spoke of encouraging alternative energy initiatives. Thus the federal incentives should precede any state incentives. It is noted that an amendment was submitted on deadline day. This amendment was sufficiently different from the original bill as to have necessitated a public hearing. Vote 13-1.

Rep. Slocum spoke against.

On a division vote, 198 members having voted in the affirmative and 103 in the negative, the committee report was adopted.

HB 1684-FN, establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property. **INEXPEDIENT TO LEGISLATE.**

Rep. James B. Rausch for Public Works and Highways: This bill established a commission to study leasing of state owned waterfront property. The committee recognizes that there are existing statutory regulations and an existing process that governs the leasing of these properties. The existing process requires extensive review by the Department of Transportation and then legislative review by the Long Range Capital Planning and Utilization Committee. If approval is granted, the request must additionally go before the Governor and Council for final review and approval. Also, the Council on Resources and Development is required to give advice on the leasing of the property. The committee feels this process is sufficiently comprehensive and that no study committee is necessary to study this process. Vote 13-1.

Committee report adopted.

HB 1506, requiring children 12 years of age or under to wear personal flotation devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sandra B. Keans for Resources, Recreation and Development: This bill only increases the age from five to age twelve. The current law is working well for the "little guys" and is a common sense answer for protecting the older child who will now be required to wear a coast guard approved flotation device. Vote 16-0.

Amendment (0771h)

Amend the bill by replacing section 1 with the following:

1 Persons 12 Years of Age or Under. Amend RSA 270:30-a to read as follows:

270:30-a Persons [5] 12 Years of Age or Under. No person operating or in control of a boat or vessel upon the public waters of the state shall transport a child [5] 12 years of age or under unless

said child is wearing a personal flotation device of a type approved by the United States Coast Guard; provided, however, boats, vessels, and ships with continuous side rails enclosing the perimeter of the boat, vessel, or ship, 3 feet or more in height and enclosed between the deck and the top of the railing in a way that would reasonably prevent passage of a small child are exempted from the provisions of this section.

AMENDED ANALYSIS

This bill extends the age where children are required to wear a personal flotation device.

MOTION TO SPECIAL ORDER

Rep. Currier moved that **HB 1506**, requiring children 12 years of age or under to wear personal flotation devices, be made a Special Order for Thursday, March 9, 2006.
Motion failed.

The question now being adoption of the committee amendment.

Reps. Keans and David Campbell spoke against.

Rep. Whalley spoke in favor.

On a division vote, 164 members having voted in the affirmative and 135 in the negative, the committee amendment was adopted.

Rep. Whalley offered floor amendment (1311h).

Floor Amendment (1311h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to personal flotation device requirements for children.

Amend the bill by replacing section 1 with the following:

1 Persons 12 Years of Age or Under. Amend RSA 270:30-a to read as follows:

270:30-a Persons [5] 12 Years of Age or Under.

I. No person operating or in control of a boat or vessel upon the public waters of the state shall transport a child 5 years of age or under unless said child is wearing a personal flotation device of a type approved by the United States Coast Guard; provided, however, boats, vessels, and ships with continuous side rails enclosing the perimeter of the boat, vessel, or ship, 3 feet or more in height and enclosed between the deck and the top of the railing in a way that would reasonably prevent passage of a small child are exempted from the provisions of this [section] paragraph.

II. No person 12 years of age or under shall operate or be a passenger on a boat or vessel upon the public waters of the state unless such person:

(a) Is wearing a personal flotation device of a type approved by the United States Coast Guard; or

(b) If the person is between 6 and 12 years of age, is accompanied by a person 18 years of age or older.

AMENDED ANALYSIS

This bill requires that a personal flotation device be worn by certain children when operating a boat or vessel or when unaccompanied by an adult.

Rep. Whalley spoke in favor and yielded to questions.

Reps. Gibson and David Campbell spoke against and yielded to questions.

Rep. Mirski spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Balboni requested a roll call; sufficiently seconded.

YEAS 134 NAYS 172

YEAS 134

BELKNAP

Allen, Janet
Rosen, Ralph
Wendelboe, Fran

Fitzgerald, James
Russell, David
Whalley, Michael

Heald, Bruce
Thomas, John

Pilliod, James
Tobin, William

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
McConkey, Mark	Merrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
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COOS

King, Frederick	Lary, Bruce	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Almy, Susan	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Ingretson, Paul	Sorg, Gregory	Ward, John

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carter, Mark	Christensen, D L Chris	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Drisko, Richard	Elliott, Nancy	Francoeur, Bea
Golding, William	Graham, John	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hirschmann, Keith	Infantine, William	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James		

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Kidder, David	Klose, John	Langlais, Thomas	Maxfield, Roy
Reed, Dennis	Soltani, Tony	Whiting, Herbert	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Coburn, James
Cooney, Richard	Dowd, John	Fesh, Bob	Flanders, John Sr
Forsing, Robert	Francoeur, Sheila	Garrity, James	Griffin, Mary
Hopfgarten, Paul	Ingram, Russell	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robinson, John	Sanders, Elisabeth	Waterhouse, Kevin
Weare, E Albert	Wells, Roger	Weyler, Kenneth	Zolla, William

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Keans, Sandra	Newton, Clifford		

SULLIVAN

None

NAYS 172**BELKNAP**

Boyce, Laurie	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Tilton, Franklin			

CARROLL

Ahlgren, Christopher	Buco, Thomas	Knox, J David	Martin, James
Olimpio, J Lisbeth	Philbrick, Donald		

CHESHIRE

Butcher, Suzanne
Espiefs, Peter
Roberts, Kris

Butynski, William
Parkhurst, Henry
Robertson, Timothy

Dunn, J Timothy
Plifka, Stanley Jr
Tilton, Anna

Eaton, Daniel
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard
Theberge, Robert

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Andersen, Gene
Ham, Bonnie
Mirski, Paul
Solomon, Peter

Benn, Bernard
Harding, A Laurie
Mulholland, Catherine
Williams, Burton

Bleyler, Ruth
Maybeck, Margie
Nordgren, Sharon

Cooney, Mary
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Craig, James
Dokmo, Cynthia
Foster, Linda
Hall, Betty
Jasper, Shawn
Matarazzo, Anthony Sr
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Francis

Beaulieu, Jane
Carew, James
Daniuk, Caitlin
Dyer, Donald
Gibson, John
Harvey, Suzanne
Jean, Claudette
Messier, Irene
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Bergin, Peter
Chase, Claudia
Desmarais, Vivian
Egbers, Fran
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Michon, Stephen
Ryder, Donald
Shaw, Kimberly
Villeneuve, Maurice

Brassard, Paul
Cote, Peter
DeVries, Betsi
Essex, David
Goyette, Peter Jr
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Schulze, Joan
Smith, David

MERRIMACK

Blanchard, Elizabeth
Danforth, James
French, Barbara
MacKay, James
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
Gile, Mary
Marple, Richard
Reardon, Tara
Tilton, Joy
Williams, Robert

Brueggemann, Donald
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Clarke, Claire
Foose, Robert
Lockwood, Priscilla
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Asselin, Michael
Charron, Gene
Flockhart, Eileen
Introne, Robert
Pantelakos, Laura
Robertson, Carl
Splaine, James
Winchell, George

Brown, C.
DiFruscia, Anthony
Gilbert, Karl
Langley, Jane
Parker, Benjamin
Rolston, James
Stiles, Nancy

Cali-Pitts, Jacqueline
Dowling, Patricia
Gould, Kenneth
Moody, Marcia
Powers, James
Scamman, Stella
Welch, David

Casey, Kimberley
Dumaine, Dudley
Hughes, Daniel
Palazzo, Frank
Priestley, Anne
Serlin, Christopher
Weldy, Norman

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Hofemann, Roland
Rollo, Michael
Spang, Judith

Brown, Jennifer
Creteau, Irene
Hollinger, Jeffrey
Rous, Emma
Taylor, Kathleen

Brown, Julie
Dunlap, Patricia
Johnson, Nancy
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Hilliard, Dana
Kaen, Naida
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr
and floor amendment (1311h) failed.

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr
Rodeschin, Beverly

The question now being adoption of the committee report.
 Reps. Hawkins and Mirski spoke against.
 Rep. Gibson spoke in favor and yielded to questions.
 Rep. David Campbell moved the previous question.
 Adopted.
 Rep. Balboni requested a roll call; sufficiently seconded.

YEAS 168 NAYS 138

YEAS 168

BELKNAP

Heald, Bruce	Millham, Alida	Morrison, Gail	Russell, David
Tilton, Franklin	Tobin, William		

CARROLL

Ahlgren, Christopher	Knox, J David	Martin, James	Olimpio, J Lisbeth
Philbrick, Donald			

CHESHIRE

Butcher, Suzanne	Butynski, William	Dunn, J Timothy	Eaton, Daniel
Espiefs, Peter	Parkhurst, Henry	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Remick, William
Theberge, Robert			

GRAFTON

Andersen, Gene	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Christensen, D L Chris	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Essex, David	Foster, Linda
Gibson, John	Gorman, Mary	Goyette, Peter Jr	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	L'Heureux, Robert	Lasky, Bette
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movesian, Lori
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Sullivan, Francis	Sullivan, Peter	Villeneuve, Maurice

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	Kennedy, Richard
Klose, John	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Reed, Dennis	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Asselin, Michael	Brown, C.	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberly	Cooney, Richard	DiFruscia, Anthony	Dowling, Patricia
Flockhart, Eileen	Forsing, Robert	Garrity, James	Gould, Kenneth

Johnson, Robert
Morris, Richard
Robertson, Carl
Scamman, Stella
Weldy, Norman

Katsakiores, George
Pantelakos, Laura
Robinson, John
Serlin, Christopher
Weyler, Kenneth

Langley, Jane
Powers, James
Rolston, James
Splaine, James
Winchell, George

Moody, Marcia
Priestley, Anne
Sanders, Elisabeth
Weare, E Albert

STRAFFORD

Berube, Roger
Cataldo, Sam
Dunlap, Patricia
Keans, Sandra
Smith, Marjorie

Brown, Jennifer
Chaplin, Duncan
Hilliard, Dana
Rollo, Michael
Spang, Judith

Brown, Julie
Cilley, Jacalyn
Hofemann, Roland
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Creteau, Irene
Johnson, Nancy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Prichard, Stephen

Converse, Larry
Jillette, Arthur Jr
Rodeschin, Beverly

Donovan, Thomas
Osgood, Philip Sr

Franklin, Peter
Phinizy, James

NAYS 138

BELKNAP

Allen, Janet
Pilliod, James
Whalley, Michael

Boyce, Laurie
Rosen, Ralph

Fitzgerald, James
Thomas, John

Nedeau, Stephen
Wendelboe, Fran

CARROLL

Babson, David Jr
Dickinson, Howard
Stevens, Stanley

Brown, Carolyn
McConkey, Mark

Buco, Thomas
Morrow, Harry

Chandler, Gene
Patten, Betsey

CHESHIRE

Emerson, Susan

Hogancamp, Deborah

Hunt, John

Sawyer, Sheldon

COOS

King, Frederick
Tholl, John Jr

Lary, Bruce

Richardson, Herbert

Stohl, Eric

GRAFTON

Almy, Susan
Ham, Bonnie
Mirski, Paul

Eaton, Stephanie
Hammond, Lee
Sorg, Gregory

Gionet, Edmond
Ingretson, Paul
Ward, John

Giuda, Robert
Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Calawa, Leon Jr
Coughlin, Pamela
Francoeur, Bea
Hawkins, Ken
Kurk, Neal
Mooney, Maureen
Price, Pamela
Ryder, Donald
Souza, Kathleen
Wheeler, James

Balboni, Michael
Brassard, Paul
Carew, James
Crane, Elenore Casey
Golding, William
Hellwig, Steve
Lawrence, James
Moran, Edward
Reeves, Sandra
Shaw, Kimberly
Stepanek, Stephen

Batula, Peter
Brundige, Robert
Carter, Mark
Drisko, Richard
Graham, John
Hirschmann, Keith
Lessard, Rudy
O'Connell, Timothy
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan

Bergeron, Jean-Guy
Buhlman, David
Clark, Mark
Elliott, Nancy
Hansen, Ryan
Jasper, Shawn
Mead, Robert
Ober, Lynne
Rowe, Robert
Smith, David
Vaillancourt, Steve

MERRIMACK

Currier, David
Lockwood, Priscilla
Soltani, Tony

Field, William
MacKay, James

Kidder, David
Marple, Richard

Langlais, Thomas
Maxfield, Roy

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bridle, Russell	Cady, Harriet	Camm, Kevin	Charron, Gene
Coburn, James	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gilbert, Karl	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Stiles, Nancy	Waterhouse, Kevin
Welch, David	Wells, Roger	Zolla, William	

STRAFFORD

Campbell, W Packy	Easson, Timothy	Hollinger, Jeffrey	Kaen, Naida
Newton, Clifford			

SULLIVAN

Ferland, Brenda Gale, Harry
and the committee report was adopted.
Ordered to third reading.

HB 1582, prohibiting New Hampshire from participating in a national identification card system.
INEXPEDIENT TO LEGISLATE.

Rep. Sherman A. Packard for Transportation: This bill as written, and with two proposed amendments, prevents us from participating in the Real ID Act of 2005. The committee as a whole abhors the Real ID Act. Agreeing with the sponsors for our dislike of this federal legislation we must be realistic about the consequences of our actions if we refuse to participate. The law states that all states driver licenses and non driver identification cards must conform to requirements of Real ID. At present, certain requirements are certain in the law. The Department of Homeland Security has the responsibility to finalize the rule making and expand on any areas not specified in the law. The minimum requirements on a DL/ID card are full legal name, date of birth, gender, DL/ID number, digital photo, address of legal residence, signature, and security features to prevent tampering. A New Hampshire driver's license already conforms to these requirements. There are a number of verification requirements that a DMV must adhere to before issuing a DL/ID. These requirements will be for US citizens and foreign nationals. Real ID doesn't penalize a state by withholding any federal monies if New Hampshire does not comply, but our DL/ID cards will not be accepted by a federal agency. This means anyone boarding an airplane, entrance into a federal court house, social security buildings, medicaid or medicare facilities or entrance into federal parks, national monuments or congressional office buildings. The list has not been finalized by DHS. If our DL/ID cards are not accepted, then any New Hampshire citizen would be required to obtain a passport for federal purposes. Imagine telling a family of two adults and four children that they must have passports to visit Grandma and Grandpa by plane. A passport price is \$95.00. It was suggested that we could pass the law, send a message and then repeal if the Real ID Act was not changed at the federal level. New Hampshire and Kentucky have been chosen as pilot states to start the implementation of Real ID. We have been given a grant of \$3 million. If this bill passes, it prevents us from legally using the money to proceed with changes needed to implement Real ID. IF we send the money back because we refuse to participate in Real ID and then change our minds later, we will have to make a state appropriation that could run into the millions of dollars. The Senate has a resolution condemning Real ID as do many other state legislatures. We hope that if enough states pressure their congressional delegates they will change or repeal the law. We ask that you vote against placing us in the position of having to inform our citizens at some future date that their DL/ID's are not accepted at any federal facility. This could and would cause undue hardships on an unknown number of New Hampshire citizens. Vote 12-1.

Rep. Kurk spoke against.

Rep. Giuda spoke against and yielded to questions.

Rep. Packard spoke in favor and yielded to questions.

Rep. Dickinson requested a roll call; sufficiently seconded.

YEAS 84 NAYS 217**YEAS 84****BELKNAP**

Fitzgerald, James	Nedeau, Stephen	Russell, David	Tilton, Franklin
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CARROLL

Ahlgren, Christopher	Brown, Carolyn	Knox, J David	Martin, James
McConkey, Mark	Olimpio, J Lisbeth	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Butcher, Suzanne	Butynski, William	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry			

COOS

Lary, Bruce	Remick, William	Stohl, Eric	Tholl, John Jr
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GRAFTON

Bleyler, Ruth	Cooney, Mary	Mulholland, Catherine	Williams, Burton
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HILLSBOROUGH

Baroody, Benjamin	Bergeron, Jean-Guy	Boehm, Ralph	Carter, Mark
Christensen, D L Chris	Dyer, Donald	Gargasz, Carolyn	Golding, William
Gorman, Mary	Graham, John	Lessard, Rudy	O'Brien, William
Pilote, Maurice	Price, Pamela	Ryder, Donald	Shattuck, Gilman
Slocum, Lee	Sullivan, Francis	Sullivan, Peter	

MERRIMACK

Brueggemann, Donald	Clarke, Claire	Foose, Robert	Kidder, David
MacKay, James	Potter, Frances	Reardon, Tara	Reed, Dennis
Rush, Deanna	Williams, Robert		

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Brown, C.	Buxton, Donald
Cooney, Richard	Dowd, John	Flanders, John Sr	Gould, Kenneth
Griffin, Mary	Johnson, Robert	Katsakiores, George	Major, Norman
McMahon, Charles	Packard, Sherman	Pantelakos, Laura	Parker, Benjamin
Rausch, James	Robinson, John	Rolston, James	Waterhouse, Kevin
Weyler, Kenneth	Winchell, George		

STRAFFORD

Berube, Roger	Brown, Julie	Hofemann, Roland	Johnson, Nancy
Rous, Emma	Taylor, Kathleen		

SULLIVAN

Ferland, Brenda	Osgood, Philip Sr
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NAYS 217**BELKNAP**

Allen, Janet	Boyce, Laurie	Heald, Bruce	Millham, Alida
Morrison, Gail	Pilliod, James	Rosen, Ralph	Thomas, John
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Merrow, Harry	Patten, Betsey		

CHESHIRE

Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS

Buzzell, Bernard
Richardson, Herbert

King, Frederick
Theberge, Robert

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Gionet, Edmond
Ingbretson, Paul
Nordgren, Sharon

Andersen, Gene
Giuda, Robert
Maybeck, Margie
Sokol, Hilda

Benn, Bernard
Ham, Bonnie
McLeod, Martha
Solomon, Peter

Eaton, Stephanie
Hammond, Lee
Mirski, Paul
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Bergin, Peter
Calawa, Leon Jr
Christiansen, Lars
Crane, Elenore Casey
Drisko, Richard
Foster, Linda
Hall, Betty
Hellwig, Steve
Irwin, Anne-Marie
L'Heureux, Robert
McRae, Karen
Moran, Edward
Reeves, Sandra
Schulze, Joan
Souza, Kathleen
Villeneuve, Maurice

Balboni, Michael
Brassard, Paul
Campbell, David
Clark, Mark
Daniuk, Caitlin
Egbers, Fran
Francoeur, Bea
Hansen, Ryan
Hirschmann, Keith
Jasper, Shawn
Lasky, Bette
Mead, Robert
Movsesian, Lori
Renzullo, Andrew
Shaw, Barbara
Stepanek, Stephen
Wheeler, James

Batula, Peter
Brundige, Robert
Carew, James
Coughlin, Pamela
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Harvey, Suzanne
Holden, Randolph
Kopka, Angeline
Lawrence, James
Messier, Irene
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Kimberly
Ulery, Jordan

Beaulieu, Jane
Buhlman, David
Chase, Claudia
Craig, James
Dokmo, Cynthia
Essex, David
Goyette, Peter Jr
Hawkins, Ken
Infantine, William
Kurk, Neal
Matarazzo, Anthony Sr
Mooney, Maureen
Ober, Lynne
Rowe, Robert
Smith, David
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeJoie, John
Gile, Mary
Lockwood, Priscilla
Osborne, Jessie
Tilton, Joy
Whiting, Herbert

Blanchard, Elizabeth
DeStefano, Stephen
Hamm, Christine
Marple, Richard
Ryan, Jim
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
Field, William
Kennedy, Richard
Maxfield, Roy
Shurtleff, Stephen
Wallner, Mary Jane

Danforth, James
French, Barbara
Klose, John
McMahon, Patricia
Soltani, Tony
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Cady, Harriet
Charron, Gene
Dumaine, Dudley
Francoeur, Sheila
Ingram, Russell
Langley, Jane
Moody, Marcia
Powers, James
Robertson, Carl
Splaine, James
Weldy, Norman

Bettencourt, David
Cali-Pitts, Jacqueline
Coburn, James
Fesh, Bob
Garrity, James
Introne, Robert
Lund, Howie
Morris, Richard
Priestley, Anne
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

Bicknell, Elbert
Camm, Kevin
DiFruscia, Anthony
Flockhart, Eileen
Gilbert, Karl
Itse, Daniel
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Scamman, Stella
Weare, E Albert
Zolla, William

Bridle, Russell
Casey, Kimberley
Dowling, Patricia
Forsing, Robert
Hopfgarten, Paul
Katsakiores, Phyllis
McKinney, Betsy
Palazzo, Frank
Quandt, Matthew
Serlin, Christopher
Welch, David

STRAFFORD

Brown, Jennifer
Chaplin, Duncan
Easson, Timothy
Keans, Sandra
Smith, Marjorie

Brown, Lawrence
Cilley, Jacalyn
Hilliard, Dana
Newton, Clifford
Spang, Judith

Campbell, W Packy
Creteau, Irene
Hollinger, Jeffrey
Rollo, Michael
Wall, Janet

Cataldo, Sam
Dunlap, Patricia
Kaen, Naida
Schmidt, Peter

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Franklin, Peter

Gale, Harry

Jillette, Arthur Jr

Phinizy, James

Prichard, Stephen

Rodeschin, Beverly

and the committee report failed.

Rep. Kurk moved Ought to Pass.

Motion adopted

Ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation.
OUGHT TO PASS WITH AMENDMENT.

Rep. Stephen T. Pelkey for Commerce: This bill requires insurance companies to pay for any insured NH resident for the costs associated with human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The amendment further allows the testing to be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists and is licensed under the Clinical Laboratory Improvement Act of 1967. Currently, insurers cover all costs associated with the testing, transplant procedure, search of the donor registry as well as all costs for testing family members of the patient. The majority of the committee feels strongly that this bill would greatly improve the quality of life of those affected by a variety of cancers. Although not a determinable amount, the cost savings to the insurance industry, finding a donor match in the early stages of diagnosis, may greatly offset the ongoing associated treatment of these diseases. Most importantly, the small amount of money (\$75 per test) is a small price to pay to save just one life. Vote 14-4.

Amendment (0453h)

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415 by inserting after section 6-k the following new section:

415:6-l Coverage for the Cost of Testing for Bone Marrow Donation. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses, shall provide to certificate holders of such insurance, who are residents of this state, coverage for expenses arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program.

2 New Section; Coverage for the Cost of Testing for Bone Marrow Donation. Amend RSA 415 by inserting after section 18-p the following new section:

415:18-q Coverage for the Cost of Testing for Bone Marrow Donation. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for expenses arising from human leukocyte antigen testing, also referred to as histocompatibility locus antigen testing, for A, B, and DR antigens for utilization in bone marrow transplantation. The testing shall be performed in a facility that is accredited by the American Association of Blood Banks or its successors, or the College of American Pathologists, or its successors, or any other national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists, and is licensed under the Clinical Laboratory Improvement

Act of 1967, 42 U.S.C. section 263a, as amended. At the time of the new testing, the person tested shall complete and sign an informed consent form that also authorizes the results of the test to be used for participation in the National Marrow Donor Program.

Amendment adopted.

Committee report adopted and ordered third reading.

SPECIAL ORDERED

Without objection, the Speaker ordered the remainder of bills on today's calendar be made Special Orders for March 9, 2006.

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, March 9, 2006 at 10:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1111, designating the pumpkin as the New Hampshire state fruit.

HB 1565, relative to evictions in cases involving incidents of domestic violence.

HB 1761, relative to hold over tenants in vacation or recreational rental units.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.

HB 1343, relative to the duties of the council on resources and development.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

HB 1216, relative to the sale of unpasteurized milk.

HB 1534, relative to maintaining construction and demolition debris as a solid waste.

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards.

HB 1506, requiring children 12 years of age or under to wear personal flotation devices.

HB 1582, prohibiting New Hampshire from participating in a national identification card system.

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation.

UNANIMOUS CONSENT

Rep. Tholl addressed the House.

Rep. Russell moved that the remarks of Rep. Tholl be printed in the Permanent Journal

Adopted.

REMARKS

Rep. Tholl: On March 1st outside of Baghdad, the Humvee in which Sergeant Jose Pequeno was riding came under attack by an IED and RPGs. Sgt. Pequeno suffered severe life-threatening head injuries and is currently in Walter Reed Medical Center in Bethesda, Maryland.

Back in the world, Sgt. Pequeno is a father, husband and my friend, as well as the Chief of Police for the Town of Sugar Hill, New Hampshire. I ask you to remember Jose with your prayers and wishes for his speedy recovery and I would ask for a moment of silence.

The Speaker requested that the House stand and observe a moment of silence for Sgt. Pequeno.

RECESS MOTION

Rep. Weyler moved that the House stand in recess for the purposes of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:25 p.m.

RECESS

(Rep. Brundige in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 406 and 1184.

Rep. Currier, Sen. D'Allesandro for the Committee

RESOLUTION

Rep. Hogancamp offered the following: RESOLVED, that the late drafting and introduction having been approved by the Rules Committee, in accordance with the list in the possession of the Clerk, House Bill numbered 2006, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 2006, relative to the state 10-year transportation improvement plan. (Chandler, Carr 1: Public Works and Highways)

RECESS

(Speaker Scamman in the Chair)

COMMITTEE ASSIGNMENT

C. Pennington Brown, on Public Works and Highways.

RECESS

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Thursday, March 9, 2006

The House assembled at 10:00, the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

God of real life, help us to know that You are not only a transcendent God of sublime peace and comfort, but that You are also an immanent God, a God who is more than game to walk with us through life's challenges, painful moments, disagreements and unfinished business. The work we do here and in our own lives can be challenging, painful, full of disagreement and even messy at times. Give us the wisdom to trust that You are what is ultimately real. That You are real enough to love us even when we err. Real enough to assure us when life's storms overtake us. Real enough to point the way through the shadows to the light that is true joy.

We offer up our prayers today for blessing upon all those gathered here, and those we know who may be suffering in some fashion today. Grant them hope and healing. We offer up prayers that Your spirit would support Speaker Scamman in his task of leadership. We offer up prayers for our governor and for all those engaged in the leadership of New Hampshire government at all levels. Grant that our work today would honor Your commitment to all those in our care; people of all hues, ages, faiths, languages, abilities, sexual orientations and aspirations. Give them, and us, joy, in the simple gift of being alive today. This we ask in Your Holy Name. Amen.

Rep. James F. Powers, member from Portsmouth, led the Pledge of Allegiance.

The National Anthem was sung by Hannah Clayman, a sophomore student from Concord High School.

LEAVES OF ABSENCE

Reps. Algren, Nelson Allan, Barker, Barry, MaryAnn Blanchard, Carlson, Chabot, Coates, David Cote, Goodwin, Hebert, Hinkle, Hunter, Jillette, Kobel, Lefebvre, Moore, O'Neil, Owen, Pepino, Putnam, Snyder, and Tahir, the day, illness.

Reps. Abbott, Aguiar, Charles Clark, Daniuk, Dexter, Donald Flanders, Foote, Ginsburg, Greco, Hess, Hutchinson, Kobel, Naro, Norelli, Reardon, Reed, Rochette, Stepanek and Twombly, the day, important business.

Reps. Paula Johnson and Ross, the day, illness in the family.

INTRODUCTION OF GUESTS

Dorothy and Devon Nadeau, niece and great-nephew of Rep. Cilley. Gunnery Sgt. James P. Ulery, Lisa and Matthew Ulery, son, daughter-in-law and grandson of Rep. Ulery. Shawn Joyce, guest of Rep. Sheila Francoeur. The 4th grade class from Barnstead Elementary School, guests of the Barnstead delegation. Carl Luhrmann, Pam Kelly, Paul Hackel, and Reverend Steve Edington, guests of the House.

Brad Wiley, West Running Brook Middle School student, Page for the Day.

MOTION TO VACATE

Rep. Dokmo moved that the House vacate the reference of **SB 253**, relative to enforcement of support orders for college and postsecondary educational expenses, to the committee on Judiciary. Motion adopted.

The Speaker referred **SB 253** to the committee on Children and Family Law.

MOTION TO LIMIT DEBATE

Rep. Jasper moved that the House limit debate to four minutes for each speaker, excluding questions and parliamentary inquiries.

Rep. Chandler spoke against.

Rep. Jasper spoke in favor.

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 124 NAYS 170**YEAS 124****BELKNAP**

Fitzgerald, James
Veazey, John

Morrison, Gail

Tilton, Franklin

Tobin, William

CARROLL

Knox, J David

McConkey, Mark

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Hogancamp, Deborah
Richardson, Barbara

Butcher, Suzanne
Mitchell, Bonnie
Roberts, Kris

Butynski, William
Parkhurst, Henry
Robertson, Timothy

Chase, William
Plifka, Stanley Jr
Weed, Charles

COOS

Mears, Edgar

Remick, William

Theberge, Robert

GRAFTON

Almy, Susan
Hammond, Lee

Andersen, Gene
Mulholland, Catherine

Cooney, Mary
Sorg, Gregory

Eaton, Stephanie
Williams, Burton

HILLSBOROUGH

Beaulieu, Jane
Buhlman, David
Cote, Peter
Gargas, Carolyn
Hawkins, Ken
Lawrence, James
McRae, Karen
Pilotte, Maurice
Shaw, Barbara

Boehm, Ralph
Carew, James
DeVries, Betsi
Golding, William
Jasper, Shawn
Lessard, Rudy
Michon, Stephen
Ryder, Donald
Sullivan, Francis

Brassard, Paul
Carter, Mark
Drisko, Richard
Goyette, Peter Jr
Jean, Claudette
Manney, Pamela
Mooney, Maureen
Schulze, Joan
Villeneuve, Maurice

Brundige, Robert
Chase, Claudia
Essex, David
Haley, Robert
Judy, Jean
Matarazzo, Anthony Sr
Ober, Lynne
Shattuck, Gilman

MERRIMACK

Blanchard, Elizabeth
Foote, Robert
Maxfield, Roy
Whiting, Herbert

Bouchard, Candace
French, Barbara
Osborne, Jessie
Williams, Robert

Brueggemann, Donald
Langlais, Thomas
Potter, Frances

Danforth, James
MacKay, James
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Charron, Gene
Gilbert, Karl
Introne, Robert
Mason, April
Pantelakos, Laura
Rausch, James
Wells, Roger

Brown, C.
Flanders, John Sr
Gould, Kenneth
Katsakiores, George
McKinney, Betsy
Parker, Benjamin
Robertson, Carl
Weyler, Kenneth

Buxton, Donald
Flockhart, Eileen
Griffin, Mary
Lund, Howie
Moody, Marcia
Quandt, Marshall Lee
Scamman, Stella
Winchell, George

Cali-Pitts, Jacqueline
Garrity, James
Hopfgarten, Paul
Major, Norman
Palazzo, Frank
Quandt, Matthew
Weldy, Norman
Zolla, William

STRAFFORD

Berube, Roger
Creteau, Irene
Spang, Judith

Brown, Julie
Heon, Richard

Brown, Lawrence
Johnson, Nancy

Callaghan, Frank
Knowles, William

SULLIVAN

Cloutier, John

Osgood, Philip Sr

Prichard, Stephen

NAYS 170**BELKNAP**

Allen, Janet
 Pilliod, James
 Wendelboe, Fran

Boyce, Laurie
 Rosen, Ralph
 Whalley, Michael

Millham, Alida
 Russell, David

Nedeau, Stephen
 Thomas, John

CARROLL

Babson, David Jr
 Dickinson, Howard
 Stevens, Stanley

Brown, Carolyn
 Martin, James

Buco, Thomas
 Mellow, Harry

Chandler, Gene
 Patten, Betsey

CHESHIRE

Dunn, J Timothy
 Pratt, John

Eaton, Daniel
 Sawyer, Sheldon

Emerson, Susan
 Tilton, Anna

Hunt, John

COOS

Buzzell, Bernard
 Moreau, Renney

King, Frederick
 Richardson, Herbert

Lary, Bruce
 Stohl, Eric

Merrick, Scott
 Tholl, John Jr

GRAFTON

Benn, Bernard
 Maybeck, Margie
 Solomon, Peter

Bleyler, Ruth
 McLeod, Martha

Gionet, Edmond
 Nordgren, Sharon

Giuda, Robert
 Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey
 Batula, Peter
 Calawa, Leon Jr
 Coughlin, Pamela
 Egbers, Fran
 Gorman, Mary
 Irwin, Anne-Marie
 Lasky, Bette
 O'Brien, William
 Renzullo, Andrew
 Smith, David
 Wheeler, James

Adams, Jarvis IV
 Bergeron, Jean-Guy
 Christensen, D L Chris
 Craig, James
 Elliott, Nancy
 Graham, John
 Kopka, Angeline
 Mead, Robert
 O'Connell, Timothy
 Rosenwald, Cindy
 Sullivan, Peter
 Wheeler, Robert

Balboni, Michael
 Bergin, Peter
 Christiansen, Lars
 Dokmo, Cynthia
 Foster, Linda
 Hall, Betty
 Kurk, Neal
 Messier, Irene
 Pappas, Christopher
 Rowe, Robert
 Ulery, Jordan

Baroody, Benjamin
 Biundo, Michael
 Clemons, Jane
 Dyer, Donald
 Goley, Jeffrey
 Harvey, Suzanne
 L'Heureux, Robert
 Movsesian, Lori
 Price, Pamela
 Slocum, Lee
 Vaillancourt, Steve

MERRIMACK

Anderson, Eric
 Gile, Mary
 Lockwood, Priscilla
 Shurtleff, Stephen
 Yeaton, Charles

Clarke, Claire
 Kennedy, Richard
 Marple, Richard
 Tilton, Joy

DeStefano, Stephen
 Klose, John
 Rush, Deanna
 Tupper, Frank

Field, William
 L'Heureux, Stephen
 Ryan, Jim
 Wallner, Mary Jane

ROCKINGHAM

Asselin, Michael
 Bridle, Russell
 Casey, Kimberley
 Dowd, John
 Forsing, Robert
 Ingram, Russell
 Nowe, Ronald
 Robinson, John
 Splaine, James
 Wear, E Albert

Belanger, Ronald
 Cady, Harriet
 Coburn, James
 Doyle, Christopher
 Francoeur, Sheila
 Johnson, Robert
 Packard, Sherman
 Rolston, James
 Stiles, Nancy
 Welch, David

Bettencourt, David
 Camm, Kevin
 Cooney, Richard
 Dumaine, Dudley
 Headd, James
 Langley, Jane
 Powers, James
 Sanders, Elisabeth
 Stone, Joseph
 Wiley, Robert

Bicknell, Elbert
 Carson, Sharon
 Dalrymple, Janeen
 Fesh, Bob
 Hughes, Daniel
 Morris, Richard
 Priestley, Anne
 Serlin, Christopher
 Waterhouse, Kevin

STRAFFORD

Albert, Russell
Chaplin, Duncan
Hofemann, Roland
Miller, Joseph
Schmidt, Peter

Brown, Jennifer
Cilley, Jacalyn
Hollinger, Jeffrey
Newton, Clifford
Smith, Marjorie

Campbell, W Packy
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Wall, Janet

Cataldo, Sam
Easson, Timothy
Keans, Sandra
Rous, Emma

SULLIVAN

Converse, Larry
Houde-Quimby, Charlotte
and the motion failed.

Donovan, Thomas
Phinizy, James

Ferland, Brenda

Franklin, Peter

SPECIAL ORDER - REGULAR CALENDAR

HB 1707-FN-A-L, establishing a school choice certificate program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the Majority of Education: This bill is not an indictment or a criticism of public schools. The majority believes that public schools do a good job for most students, but some students can excel in a different educational environment. House Bill 1707 is a constitutional and responsible step that gradually introduces school choice certificates over the next eight years in a manner that makes the certificates proportionately available across the state. The bill is constitutional because the money is spent by the parent. The certificate is made out to the parent and sent to the school of the parent's choice. The parent must then go to the school and endorse the check over to it. There is a philosophical difference with regard to school choice. The majority sees that the greater purpose of public education dollars is to provide the best education possible to students, even if it means leaving a government school. To further that end, parents of limited financial means must be empowered to choose another school for the benefit of the child. This bill is designed to help the needy by giving first priority on the certificates to families whose income is at or below 200% of the federal poverty guidelines. Then, if certificates are left over, families up to 300% of the federal poverty guidelines can utilize this opportunity. During the committee process, the opinion was offered that bills such as this take money away from public schools. HB 1707 does not do that. The first year a student is in the program, the school is held harmless financially. In subsequent years, the sending public school continues to count the student in their ADMR. Furthermore, they are able to plan ahead to be able to keep 20% of the per pupil aid amount. Thus the public school will benefit as well by getting money for a child they won't have to educate. For the sake of families of limited means, school choice is an idea that needs to be given a chance in New Hampshire. Vote 11-9.

Rep. Emma L. Rous for the Minority of Education: This bill directly opposes the New Hampshire constitutional provision that "no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination." (Part 2, Art. 83; also Part 1, Art. 6). Private religious schools are not subject to federal disability laws and are allowed to discriminate on the basis of religion. In January, Florida's Supreme Court struck down the nation's only statewide voucher program because it undermined a uniform system of free public schools. This proposal provides a middle class subsidy at the expense of local school budgets. It requires districts to pay private schools 80% of their "state aid" per pupil or the state average aid per pupil for each certificate awarded. In districts whose only "state aid" is the locally collected statewide property tax, all of this money will come directly from local tax dollars. Under this bill, up to 42% of a district's population could attend private schools at taxpayer expense and without taxpayer approval. A free democratic society depends on an educated citizenry; we are responsible to educate all of our children, not a few at the expense of many.

Majority Amendment (1023h)

Amend the bill by replacing section 2 with the following:

2 New Chapter; School Choice Certificate Program. Amend RSA by inserting after chapter 193H the following new chapter:

CHAPTER 193-I**SCHOOL CHOICE CERTIFICATE PROGRAM**

193-I:1 Program Established. A school choice certificate program is hereby established for the purpose of allowing the parent or legal guardian of a child to receive, on request, a certificate that may be used for tuition at an approved public or nonpublic school in New Hampshire selected by the child's parent or legal guardian.

193-I:2 School Choice Certificate Eligibility.

I.(a) School choice certificates shall be available as set forth in this section for payment of tuition at an approved public or nonpublic school up to the value of the certificate. Funding of school choice certificates shall be from the education trust fund established in RSA 198:39 and as provided in RSA 193-I:5.

(b) Entry into the program shall be limited to those pupils entering grades 1-12. Pupils entering grades 2-12 must have been enrolled in a New Hampshire public school for the full academic year preceding the year of entry into the program.

(c) Only pupils whose family income does not exceed 300 percent of the federal poverty guidelines, as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2), are eligible for entry to the program. The department of education shall require proof that a pupil is a legal resident of this state as a prerequisite to participation in this program and shall annually verify the income eligibility of each program participant.

(d) Applications for the program shall be submitted to the appropriate department of education official, on a form provided by the department of education, not earlier than December 1 and not later than May 1 of the academic year preceding the year of participation. The department of education shall notify applicants of acceptance or non-acceptance into the program during the month of July.

II. Certificates shall be made available as follows:

(a) In the first year of the program, to children entering grades 1-12, up to a maximum of 2,000 certificates statewide.

(b) In the second year of the program, to children entering grades 1-12, up to a maximum of 4,000 certificates statewide.

(c) In the third year of the program, to children entering grades 1-12, up to a maximum of 6,000 certificates statewide.

(d) In the fourth year of the program, to children entering grades 1-12, up to a maximum of 8,000 certificates statewide.

(e) In the fifth year of the program, to children entering grades 1-12, up to a maximum of 10,000 certificates statewide.

(f) In the sixth year of the program, to children entering grades 1-12, up to a maximum of 12,000 certificates statewide.

(g) In the seventh year of the program, to children entering grades 1-12, up to a maximum of 14,000 certificates statewide.

(h) In the eighth year of the program, to children entering grades 1-12, up to a maximum of 16,000 certificates statewide.

III. For each pupil's first year of the certificate program only, the state shall pay to such pupil's resident school district the per pupil aid amount. Such payments shall be made from the education trust fund established in RSA 198:39.

IV.(a) Except as provided in paragraph VII, the number of certificates allocated to a school district in a given year shall be a percentage of the total number of certificates available in that year. Such percentage shall be calculated by dividing the most recently available average daily membership in residence (ADMR) in the school district as defined in RSA 198:38, VI, by the most recently available total statewide average daily membership in residence as calculated by the department of education.

(b) Notwithstanding RSA 193:12, a pupil participating in this program shall be counted in the ADMR of the pupil's resident school district for as long as such pupil participates in the certificate program.

V. In any school district where there are more applicants for certificates than certificates available in a given year as determined under paragraph IV, a lottery shall be held by the department of education and certificates shall be allocated according to the following criteria:

(a) First, to pupils who were awarded certificates in the immediately preceding year.

(b) Second, to pupils from families where the family income is below 200 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

(c) Third, to pupils from families where the family income is below 300 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

VI. A parent or legal guardian of a pupil enrolled in the school choice certificate program shall notify the department of education no later than June 30 of each year of his or her intent to remain in the program.

VII. No later than July 31 of any year in which fewer certificates are granted than are available under the program, the department of education shall conduct a statewide lottery for the unused certificates, and shall allocate such certificates to any pupil who is eligible under RSA 193-I:2, and who applied for, and was denied a certificate. Available certificates shall be awarded first to pupils from families where the family income is below 200 percent of the federal poverty guidelines as set forth in paragraph V(b). Any remaining certificates shall be awarded to pupils from families where the family income is below 300 percent of the federal poverty guidelines as set forth in paragraph V(c). Certificates issued under this paragraph shall not exceed 5 percent of a school district's average daily membership in residence for any one year. The department of education shall notify lottery participants of its decision no later than August 10.

193-I:3 Value of Certificate.

I. The value of a school choice certificate for any individual pupil shall be 80 percent of the state calculated per pupil aid for the municipality in which the student resides as determined by the department of education, or 80 percent of the state average per pupil aid amount, whichever is less.

II. In this chapter, "per pupil aid" shall be defined as the total state funding, including that raised by the statewide enhanced education tax under RSA 76:3, divided by the ADMR used for the calculation of state aid for that year, provided that:

(a) No parent shall receive a school choice certificate whose family income for federal income tax purposes is greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services.

(b) Parents whose family income for federal income tax purposes is not greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services shall be eligible for 100 percent of the school choice certificate amount established in this section.

193-I:4 Participating Schools.

I. Any approved public or nonpublic school operating in this state may participate in the school choice certificate program.

II. A public or nonpublic school may admit a child with a certificate, up to the limit of the school's capacity, after reserving places for children admitted in accordance with the school's regular admissions practices.

III. A public or nonpublic school shall establish criteria for the admission of children with certificates that are consistent with the admissions criteria that it regularly applies.

IV. Participating schools shall be permitted flexibility to educate pupils in accordance with the school's educational mission.

193-I:5 School Choice Payments.

I. The appropriate official in the department of education shall administer the certificate program for each pupil who participates in the program. Each public or nonpublic school which participates in this program shall, no later than May 1 of each year, submit to the pupil's resident school district verification of each pupil in attendance for the full school year under this program on a form provided by the department of education. Such verification shall list the name, address, dates of attendance, and the tuition cost for each pupil attending under this program.

II. The school choice payment shall be a check issued by the resident school district, made out to the pupil's parent or legal guardian and mailed by the school district to the public or nonpublic school of choice. The receiving public or nonpublic school shall ensure that a parent or legal guardian endorses the check for redemption by an official of the public or nonpublic school. Payments made under this section shall be made in equal installments on September 1, November 1, January 1, and April 1 of the year in which the pupil is enrolled in a participating school.

III. The payment shall be prorated on a per diem basis for pupils enrolled in public or nonpublic school for less than a full school year.

IV. A participating nonpublic school shall not apply any payments made under this program to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil's resident school district.

193-I:6 Transportation. Any transportation costs for transporting a child, including a child receiving special education services pursuant to an individual education plan approved under RSA 186-C:7, to a public or nonpublic school outside of the local school district shall be borne by the child's parent or legal guardian.

193-I:7 Liability for Special Education Services. The school district in which the child resides shall not be responsible for providing special education programs or services to any child who attends another school pursuant to the school choice certificate program in this chapter.

193-I:8 Testing.

I. Each nonpublic school which accepts a pupil participating in the school choice certificate program shall:

(a) Comply with the statewide education improvement and assessment program pursuant to RSA 193-C for such pupils; or

(b) Petition the department of education to waive compliance with the statewide education improvement and assessment program, and allow the nonpublic school to administer its own standardized testing program for such pupils. The department of education shall render a decision on all waiver requests no later than 15 days from the date of the petition. If a petition is denied for good cause shown, the nonpublic school shall comply with the provisions of the statewide education improvement and assessment program for those pupils participating in the school choice certificate program.

(c) A pupil required to participate in the statewide improvement and assessment program shall do so in the school district in which he or she resides.

II. Each public or nonpublic school which accepts a pupil who is a participant in the school choice certificate program shall submit to the department of education, no later than June 30 of each year, the test scores of any standardized test taken while such pupil was enrolled in the public or nonpublic school. No personally identifiable information shall be released with the test scores. The standardized test shall be a test that is nationally accredited or recognized and which offers an objective, comprehensive estimate of a pupil's educational development in areas such as language arts, reading, mathematics, and social studies.

193-I:9 Liability Limited.

I. Except as specifically provided in this chapter, a public or nonpublic school shall not be required to comply with additional laws or rules as a result of attendance by pupils whose parents receive school choice certificates.

II. A public or nonpublic school shall not be required to accept pupils whose parents receive school choice certificates.

III. The school district in which the pupil resides shall not be held liable for damages in an action to recover for bodily injury, personal injury, property damage as defined in RSA 507-B:1, or failure to educate pupils, where the action arises out of a parent's exercise of options under the provisions of this chapter.

193-I:10 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the development of forms necessary to implement this chapter.

193-I:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 School Money: Education Trust Fund. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute equitable education grants to municipalities' school districts pursuant to RSA 198:42, [and] to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, *and to make payments to school districts as provided in RSA 193-I*. The state treasurer shall deposit into this fund immediately upon receipt:

AMENDED ANALYSIS

This bill establishes a school choice certificate program which makes available a certain number of school choice certificates to be used at participating public or nonpublic schools.

Reps. Rush, Claire Clarke, Casey and Rous spoke against and yielded to questions.

Reps. Sorg, Stiles and Asselin spoke in favor.

Rep. Easson spoke in favor and yielded to questions.

Rep. Easson requested a roll call; sufficiently seconded.

YEAS 130 NAYS 194**YEAS 130****BELKNAP**

Allen, Janet	Fitzgerald, James	Rosen, Ralph	Russell, David
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Morrow, Harry	Patten, Betsey	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
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COOS

Lary, Bruce	Morneau, Renney	Tholl, John Jr
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GRAFTON

Gionet, Edmond	Giuda, Robert	Maybeck, Margie	Mirski, Paul
Sorg, Gregory			

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald
Elliott, Nancy	Golding, William	Gonzalez, Carlos	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Jasper, Shawn	Jeady, Jean
L'Heureux, Robert	Lawrence, James	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Ryder, Donald	Slocum, Lee	Souza, Kathleen	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Maxfield, Roy

ROCKINGHAM

Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Charron, Gene	Coburn, James	Doyle, Christopher	Dumaine, Dudley
Flanders, John Sr	Forsing, Robert	Garrity, James	Gilbert, Karl
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Morris, Richard	Nowe, Ronald
Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew	Rolston, James
Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy	Weare, E Albert
Welch, David	Weldy, Norman	Weyler, Kenneth	Zolla, William

STRAFFORD

Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	

SULLIVAN

Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 194**BELKNAP**

Millham, Alida	Morrison, Gail	Nedeau, Stephen	Tobin, William
Veazey, John			

CARROLL

Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, Peter	Craig, James
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Gibson, John	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Lessard, Rudy	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Movsesian, Lori	O'Connell, Timothy
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Velez, Hector	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kennedy, Richard	Lockwood, Priscilla
Marple, Richard	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Waltz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Brown, C.	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	Cooney, Richard	Dalrymple, Janeen
DiFrancia, Anthony	Dowd, John	Dowling, Patricia	Fesh, Bob
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Griffin, Mary
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Langley, Jane	Moody, Marcia	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Powers, James	Priestley, Anne	Rausch, James
Robertson, Carl	Robinson, John	Serlin, Christopher	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Wells, Roger	Wiley, Robert
Winchell, George			

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinzy, James	Prichard, Stephen

and the majority committee amendment failed.

MOTION TO LAY ON THE TABLE

Rep. Price moved that **HB 1707-FN-A-L**, establishing a school choice certificate program, be laid on the table.

Rep. Robinson requested a roll call; sufficiently seconded.

YEAS 150 NAYS 176**YEAS 150****BELKNAP**

Allen, Janet	Fitzgerald, James	Neddeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Wendelboe, Fran
Whalley, Michael			

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Martin, James
McConkey, Mark	Morrow, Harry	Patten, Betsy	Stevens, Stanley

CHESHIRE

Butynski, William	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			

COOS

Lary, Bruce	Morneau, Renney	Remick, William	Richardson, Herbert
Tholl, John Jr			

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Maybeck, Margie
Mirski, Paul	Sorg, Gregory		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Gargas, Carolyn	Golding, William
Gonzalez, Carlos	Graham, John	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Jasper, Shawn	Judy, Jean	L'Heureux, Robert
Lawrence, James	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Scanlon, Michael	Slocum, Lee	Souza, Kathleen	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Klose, John
L'Heureux, Stephen	Langlais, Thomas	MacKay, James	Maxfield, Roy

ROCKINGHAM

Asselin, Michael
Bridle, Russell
Carson, Sharon
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Rolston, James
Weare, E Albert
Wiley, Robert

Bettencourt, David
Buxton, Donald
Charron, Gene
Doyle, Christopher
Francoeur, Sheila
Headd, James
Itse, Daniel
Lund, Howie
McMahon, Charles
Palazzo, Frank
Sanders, Elisabeth
Welch, David
Zolla, William

Bicknell, Elbert
Cady, Harriet
Coburn, James
Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Johnson, Robert
Major, Norman
Morris, Richard
Quandt, Marshall Lee
Scamman, Stella
Weldy, Norman

Bishop, Franklin
Camm, Kevin
Dalrymple, Janeen
Flanders, John Sr
Gould, Kenneth
Hughes, Daniel
Katsakiores, George
Mason, April
Nowe, Ronald
Quandt, Matthew
Stiles, Nancy
Weyler, Kenneth

STRAFFORD

Albert, Russell
Easson, Timothy

Campbell, W Packy
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 176**BELKNAP**

Millham, Alida
Veazey, John

Morrison, Gail

Pilliod, James

Tobin, William

CARROLL

Buco, Thomas
Philbrick, Donald

Dickinson, Howard

Knox, J David

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Espiefs, Peter
Pratt, John
Tilton, Anna

Chase, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

COOS

Buzzell, Bernard
Stohl, Eric

King, Frederick
Theberge, Robert

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine
Williams, Burton

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
DeVries, Betsi
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Kopka, Angeline
Matarazzo, Anthony Sr
O'Connell, Timothy

Beaulieu, Jane
Clemons, Jane
Dokmo, Cynthia
Garrity, Patrick
Goyette, Peter Jr
Holden, Randolph
Kurk, Neal
Messier, Irene
Pappas, Christopher

Bergin, Peter
Cote, Peter
Egbers, Fran
Gibson, John
Haley, Robert
Irwin, Anne-Marie
Lasky, Bette
Michon, Stephen
Pilotte, Maurice

Campbell, David
Craig, James
Essex, David
Goley, Jeffrey
Hall, Betty
Jean, Claudette
Lessard, Rudy
Movsesian, Lori
Rosenwald, Cindy

Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

Schulze, Joan
Smith, David
Velez, Hector

Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

Shaw, Barbara
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Marple, Richard
Potter, Frances
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Williams, Robert

Brueggemann, Donald
Foose, Robert
Kennedy, Richard
Oliver, James
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Clarke, Claire
French, Barbara
Lockwood, Priscilla
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Casey, Kimberley
Fesh, Bob
Langley, Jane
Powers, James
Robinson, John
Waterhouse, Kevin

Belanger, Ronald
Cooney, Richard
Flockhart, Eileen
Moody, Marcia
Priestley, Anne
Serlin, Christopher
Wells, Roger

Brown, C.
DiFruscia, Anthony
Gilbert, Karl
Pantelakos, Laura
Rausch, James
Splaine, James
Winchell, George

Cali-Pitts, Jacqueline
Dowd, John
Ingram, Russell
Parker, Benjamin
Robertson, Carl
Stone, Joseph

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Heon, Richard
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
and the motion failed.

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizz, James

Ferland, Brenda
Prichard, Stephen

Rep. W. Packy Campbell offered floor amendment (1293h).

Floor Amendment (1293h)

Amend the bill by replacing section 2 with the following:

2 New Chapter; School Choice Certificate Program. Amend RSA by inserting after chapter 193H the following new chapter:

CHAPTER 193-I

SCHOOL CHOICE CERTIFICATE PROGRAM

193-I:1 Program Established. A school choice certificate program is hereby established for the purpose of allowing the parent or legal guardian of a child to receive, on request, a certificate that may be used for tuition at an approved public or nonpublic school in New Hampshire selected by the child's parent or legal guardian.

193-I:2 School Choice Certificate Eligibility.

I.(a) School choice certificates shall be available as set forth in this section for payment of tuition at a state-approved public or nonpublic school up to the value of the certificate. Funding of school choice certificates shall be from the education trust fund established in RSA 198:39 and as provided in RSA 193-I:5.

(b) Entry into the program shall be limited to those pupils entering grades 1-12. Pupils entering grades 2-12 must have been enrolled in a New Hampshire public school for the full academic year preceding the year of entry into the program.

(c) Only pupils whose family income does not exceed 300 percent of the federal poverty guidelines, as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2), are

eligible for entry to the program. The department of education shall require proof that a pupil is a legal resident of this state as a prerequisite to participation in this program and shall annually verify the income eligibility of each program participant.

(d) Applications for the program shall be submitted to the commissioner of the department of education, or designee on a form provided by the department of education, not earlier than December 1 and not later than May 1 of the academic year preceding the year of participation. The department of education shall notify applicants of acceptance or non-acceptance into the program during the month of July.

II. Certificates shall be made available as follows:

(a) In the first year of the program, to children entering grades 1-12, up to a maximum of 2,000 certificates statewide.

(b) In the second year of the program, to children entering grades 1-12, up to a maximum of 4,000 certificates statewide.

(c) In the third year of the program, to children entering grades 1-12, up to a maximum of 6,000 certificates statewide.

(d) In the fourth year of the program, to children entering grades 1-12, up to a maximum of 8,000 certificates statewide.

(e) In the fifth year of the program, to children entering grades 1-12, up to a maximum of 10,000 certificates statewide.

(f) In the sixth year of the program, to children entering grades 1-12, up to a maximum of 12,000 certificates statewide.

(g) In the seventh year of the program, to children entering grades 1-12, up to a maximum of 14,000 certificates statewide.

(h) In the eighth year of the program, to children entering grades 1-12, up to a maximum of 16,000 certificates statewide.

III. For each pupil's first year of the certificate program only, the state shall pay to such pupil's resident school district the per pupil aid amount. Such payments shall be made from the education trust fund established in RSA 198:39.

IV.(a) Except as provided in paragraph VII, the number of certificates allocated to a school district in a given year shall be a percentage of the total number of certificates available in that year. Such percentage shall be calculated by dividing the most recently available average daily membership in residence (ADMR) in the school district as defined in RSA 198:38, VI, by the most recently available total statewide average daily membership in residence as calculated by the department of education.

(b) Notwithstanding RSA 193:12, a pupil participating in this program shall be counted in the ADMR of the pupil's resident school district for as long as such pupil participates in the certificate program.

V. In any school district where there are more applicants for certificates than certificates available in a given year as determined under paragraph IV, a lottery shall be held by the department of education and certificates shall be allocated according to the following criteria:

(a) First, to pupils who were awarded certificates in the immediately preceding year.

(b) Second, to pupils from families where the family income is below 200 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

(c) Third, to pupils from families where the family income is below 300 percent of the federal poverty guidelines as established and updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. section 9902 (2).

VI. A parent or legal guardian of a pupil enrolled in the school choice certificate program shall notify the department of education no later than June 30 of each year of his or her intent to remain in the program.

VII. No later than July 31 of any year in which fewer certificates are granted than are available under the program, the department of education shall conduct a statewide lottery for the unused certificates, and shall allocate such certificates to any pupil who is eligible under RSA 193-1:2, and who applied for, and was denied a certificate. Available certificates shall be awarded first to pupils from families where the family income is below 200 percent of the federal poverty guidelines as set forth in paragraph V(b). Any remaining certificates shall be awarded to pupils from families where the family income is below 300 percent of the federal poverty guidelines as set forth

in paragraph V(c). Certificates issued under this program shall not exceed 5 percent of a school district's average daily membership in residence for any one year. The department of education shall notify lottery participants of its decision no later than August 10.

193-I:3 Value of Certificate.

I. The value of a school choice certificate for any individual pupil shall be 80 percent of the state calculated per pupil aid for the municipality in which the student resides as determined by the department of education, or 80 percent of the state average per pupil aid amount, whichever is less.

II. In this chapter, "per pupil aid" shall be defined as the total state funding, including that raised by the statewide enhanced education tax under RSA 76:3, divided by the ADMR used for the calculation of state aid for that year, provided that no parent shall receive a school choice certificate whose family income for federal income tax purposes is greater than 300 percent of the federal poverty guidelines as set by the United States Department of Health and Human Services.

193-I:4 Participating Schools.

I. Any approved public or nonpublic school operating in this state may participate in the school choice certificate program.

II. A public or nonpublic school may admit a child with a certificate, up to the limit of the school's capacity, after reserving places for children admitted in accordance with the school's regular admissions practices.

III. A public or nonpublic school which accepts children under this chapter shall establish criteria for the admission of children with certificates that are consistent with the admissions criteria that it regularly applies.

193-I:5 School Choice Payments.

I. The commissioner of the department of education, or designee shall administer the certificate program for each pupil who participates in the program. Each public or nonpublic school which participates in this program shall, no later than May 1 of each year, submit to the pupil's resident school district verification of each pupil in attendance for the full school year under this program on a form provided by the department of education. Such verification shall list the name, address, dates of attendance, and the tuition cost for each pupil attending under this program.

II. The school choice payment shall be a check issued by the resident school district, made out to the pupil's parent or legal guardian and mailed by the school district to the public or nonpublic school of choice. The receiving public or nonpublic school shall ensure that a parent or legal guardian endorses the check for redemption by an official of the public or nonpublic school. Payments made under this section shall be made in equal installments on September 1, November 1, January 1, and April 1 of the year in which the pupil is enrolled in a participating school.

III. The payment shall be prorated on a per diem basis for pupils enrolled in public or nonpublic school for less than a full school year.

IV. A participating nonpublic school shall not apply any payments made under this program to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil's resident school district.

193-I:6 Transportation. Any transportation costs for transporting a child, including a child receiving special education services pursuant to an individual education plan approved under RSA 186-C:7, to a public or nonpublic school outside of the local school district shall be borne by the child's parent or legal guardian.

193-I:7 Special Education Services. No pupil shall be considered an out-of-district placement for the purposes of receiving special education services while participating in the program. Participation in the program shall not affect a pupil's eligibility to receive special education services upon such pupil's return to the school district in which he or she resides.

193-I:8 Testing.

I. Each nonpublic school which accepts a pupil participating in the school choice certificate program shall:

(a) Comply with the statewide education improvement and assessment program pursuant to RSA 193-C for such pupils; or

(b) Petition the department of education to waive compliance with the statewide education improvement and assessment program, and allow the nonpublic school to administer its own standardized testing program for such pupils. The department of education shall render a decision on all waiver requests no later than 15 days from the date of the petition. If a petition is denied for good cause shown, the nonpublic school shall comply with the provisions of the statewide education improvement and assessment program for those pupils participating in the school choice certificate program.

(c) A pupil required to participate in the statewide improvement and assessment program shall do so in the school district in which he or she resides. Such pupil's test scores shall not be counted in the school district's statewide improvement and assessment average.

II. Each public or nonpublic school which accepts a pupil who is a participant in the school choice certificate program shall submit to the department of education, no later than June 30 of each year, the test scores of any standardized test taken while such pupil was enrolled in the public or nonpublic school. No personally identifiable information shall be released with the test scores. The standardized test shall be a test that is nationally accredited or recognized and which offers an objective, comprehensive estimate of a pupil's educational development in areas such as language arts, reading, mathematics, and social studies.

193-I:9 Liability Limited.

I. Except as specifically provided in this chapter, a public or nonpublic school shall not be required to comply with additional laws or rules as a result of attendance by pupils whose parents receive school choice certificates.

II. A public or nonpublic school shall not be required to accept pupils whose parents receive school choice certificates.

III. The school district in which the pupil resides shall not be held liable for damages in an action to recover for bodily injury, personal injury, property damage as defined in RSA 507-B:1, or failure to educate pupils, where the action arises out of a parent's exercise of options under the provisions of this chapter.

193-I:10 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to the development of forms necessary to implement this chapter.

193-I:11 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 School Money: Education Trust Fund. Amend the introductory paragraph to RSA 198:39, I to read as follows:

I. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute equitable education grants to municipalities' school districts pursuant to RSA 198:42, [and] to provide low and moderate income homeowners property tax relief under RSA 198:56-198:61, *and to make payments to school districts as provided in RSA 193-I*. The state treasurer shall deposit into this fund immediately upon receipt:

AMENDED ANALYSIS

This bill establishes a school choice certificate program which makes available a certain number of school choice certificates to be used at participating public or nonpublic schools.

Rep. Rous spoke against.

Rep. W. Packy Campbell spoke in favor and requested a roll call: sufficiently seconded.

YEAS 130 NAYS 197

YEAS 130

BELKNAP

Allen, Janet
Thomas, John
Whalley, Michael

Fitzgerald, James
Tilton, Franklin

Rosen, Ralph
Veazey, John

Russell, David
Wendelboe, Fran

CARROLL

Babson, David Jr
McConkey, Mark

Brown, Carolyn
Merrow, Harry

Chandler, Gene
Patten, Betsey

Martin, James
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hogancamp, Deborah

Hunt, John

Sawyer, Sheldon

COOS

Lary, Bruce

Morneau, Renney

Tholl, John Jr

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Maybeck, Margie
Mirski, Paul	Sorg, Gregory		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald	Elliott, Nancy
Golding, William	Gonzalez, Carlos	Hagan, Barbara	Hawkins, Ken
Hellwig, Steve	Judy, Jean	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	O'Brien, William	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Slocum, Lee	Souza, Kathleen
Utery, Jordan	Villeneuve, Maurice	Wheeler, James	

MERRIMACK

Anderson, Eric	Field, William	Klose, John	L'Heureux, Stephen
Langlais, Thomas	MacKay, James	Maxfield, Roy	

ROCKINGHAM

Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Bishop, Franklin
Bridle, Russell	Buxton, Donald	Cady, Harriet	Camm, Kevin
Charron, Gene	Coburn, James	Doyle, Christopher	Dumaine, Dudley
Flanders, John Sr	Forsing, Robert	Garrity, James	Gilbert, Karl
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	

SULLIVAN

Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 197**BELKNAP**

Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Tobin, William			

CARROLL

Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine
Williams, Burton

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Campbell, David
Craig, James
Egbers, Fran
Garrity, Patrick
Goyette, Peter Jr
Harvey, Suzanne
Jean, Claudette
Lessard, Rudy
Movsesian, Lori
Pilotte, Maurice
Schulze, Joan
Smith, David
Velez, Hector

Beaulieu, Jane
Chase, Claudia
DeVries, Betsi
Essex, David
Gibson, John
Graham, John
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
O'Connell, Timothy
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

Bergin, Peter
Clemmons, Jane
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Haley, Robert
Irwin, Anne-Marie
Kurk, Neal
Messier, Irene
Ober, Lynne
Ryder, Donald
Shaw, Barbara
Sullivan, Peter

Calawa, Leon Jr
Cote, Peter
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Hall, Betty
Jasper, Shawn
Lasky, Bette
Michon, Stephen
Pappas, Christopher
Scanlon, Michael
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth
Danforth, James
French, Barbara
Lockwood, Priscilla
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
Gile, Mary
Marple, Richard
Potter, Frances
Tilton, Joy
Whiting, Herbert

Brueggemann, Donald
DeStefano, Stephen
Hamm, Christine
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Williams, Robert

Clarke, Claire
Foosse, Robert
Kennedy, Richard
Oliver, James
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Allen, Mary
Carson, Sharon
DiFruscia, Anthony
Flockhart, Eileen
Johnson, Robert
Moody, Marcia
Powers, James
Robinson, John
Waterhouse, Kevin

Belanger, Ronald
Casey, Kimberley
Dowd, John
Francoeur, Sheila
Katsakiores, George
Packard, Sherman
Priestley, Anne
Serlin, Christopher
Wells, Roger

Brown, C.
Cooney, Richard
Dowling, Patricia
Gould, Kenneth
Katsakiores, Phyllis
Pantelakos, Laura
Rausch, James
Splaine, James
Wiley, Robert

Cali-Pitts, Jacqueline
Dalrymple, Janeen
Fesh, Bob
Ingram, Russell
Langley, Jane
Parker, Benjamin
Robertson, Carl
Stone, Joseph
Winchell, George

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Julie
Creteau, Irene
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

and floor amendment (1293h) failed.

MOTION TO DEFINITELY POSTPONE

Rep. O'Brien moved that **HB 1707**, establishing a school choice certificate program, be postponed to day certain, March 22, 2006, and spoke in favor.

Reps. Daniel Eaton and Stephen L'Heureux spoke against.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 102 NAYS 226**YEAS 102****BELKNAP**

Heald, Bruce	Rosen, Ralph	Russell, David	Tilton, Franklin
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Chandler, Gene	Martin, James	McConkey, Mark	Morrow, Harry
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CHESHIRE

Hunt, John	Sawyer, Sheldon
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COOS

King, Frederick	Lary, Bruce	Morneau, Renney
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GRAFTON

Gionet, Edmond	Giuda, Robert	Maybeck, Margie	Mirski, Paul
Sorg, Gregory			

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Biundo, Michael
Brassard, Paul	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Judy, Jean	Lawrence, James
McRae, Karen	Mead, Robert	Mooney, Maureen	O'Brien, William
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rowe, Robert
Slocum, Lee	Souza, Kathleen	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Klose, John
Langlais, Thomas	MacKay, James		

ROCKINGHAM

Asselin, Michael	Bettencourt, David	Bicknell, Elbert	Buxton, Donald
Cady, Harriet	Camm, Kevin	Coburn, James	Doyle, Christopher
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Griffin, Mary	Headd, James	Introne, Robert	Itse, Daniel
Lund, Howie	Major, Norman	Mason, April	McMahon, Charles
Morris, Richard	Nowe, Ronald	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Rolston, James	Sanders, Elisabeth	Weare, E Albert
Weldy, Norman	Weyler, Kenneth		

STRAFFORD

Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford		

SULLIVAN

Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 226**BELKNAP**

Allen, Janet	Fitzgerald, James	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Thomas, John	Tobin, William

CARROLL

Babson, David Jr
Knox, J David
Stevens, Stanley

Brown, Carolyn
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Dickinson, Howard
Philbrick, Donald

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Butynski, William
Emerson, Susan
Parkhurst, Henry
Roberts, Kris

Chase, William
Espieffs, Peter
Pliifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

Remick, William
Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Andersen, Gene
Eaton, Stephanie
McLeod, Martha
Solomon, Peter

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine
Williams, Burton

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Aboshar, Jeffrey
Bergin, Peter
Campbell, David
Craig, James
Egbers, Fran
Garrity, Patrick
Graham, John
Holden, Randolph
Kopka, Angeline
Lessard, Rudy
Michon, Stephen
Ober, Lynne
Ryder, Donald
Shaw, Barbara
Sullivan, Peter

Baroody, Benjamin
Boehm, Ralph
Chase, Claudia
DeVries, Betsi
Essex, David
Golding, William
Haley, Robert
Irwin, Anne-Marie
Kurk, Neal
Manney, Pamela
Moran, Edward
Pappas, Christopher
Scanlon, Michael
Shaw, Kimberly
Vaillancourt, Steve

Batula, Peter
Brundige, Robert
Clemmons, Jane
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Hall, Betty
Jasper, Shawn
L'Heureux, Robert
Matarazzo, Anthony Sr
Movsesian, Lori
Pilotte, Maurice
Schulze, Joan
Smith, David
Velez, Hector

Beaulieu, Jane
Calawa, Leon Jr
Cote, Peter
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Jean, Claudette
Lasky, Bette
Messier, Irene
O'Connell, Timothy
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Lockwood, Priscilla
Oliver, James
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Marple, Richard
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
Foose, Robert
Kennedy, Richard
Maxfield, Roy
Potter, Frances
Tilton, Joy
Whiting, Herbert

Clarke, Claire
French, Barbara
L'Heureux, Stephen
McMahon, Patricia
Rush, Deanna
Tupper, Frank
Williams, Robert

ROCKINGHAM

Allen, Mary
Brown, C.
Charron, Gene
Dowd, John
Flanders, John Sr
Hughes, Daniel
Katsakiores, Phyllis

Belanger, Ronald
Cali-Pitts, Jacqueline
Cooney, Richard
Dowling, Patricia
Flockhart, Eileen
Ingram, Russell
Langley, Jane

Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Gould, Kenneth
Johnson, Robert
McKinney, Betsy

Bridle, Russell
Casey, Kimberley
DiFruscia, Anthony
Fesh, Bob
Hopfgarten, Paul
Katsakiores, George
Moody, Marcia

Packard, Sherman
 Priestley, Anne
 Scamman, Stella
 Stone, Joseph
 Wiley, Robert

Pantelakos, Laura
 Rausch, James
 Serlin, Christopher
 Waterhouse, Kevin
 Winchell, George

Parker, Benjamin
 Robertson, Carl
 Splaine, James
 Welch, David
 Zolla, William

Powers, James
 Robinson, John
 Stiles, Nancy
 Wells, Roger

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Dunlap, Patricia
 Hollinger, Jeffrey
 Miller, Joseph
 Smith, Marjorie

Brown, Jennifer
 Cilley, Jacalyn
 Grassie, Anne
 Johnson, Nancy
 Rollo, Michael
 Spang, Judith

Brown, Julie
 Creteau, Irene
 Heon, Richard
 Keans, Sandra
 Rous, Emma
 Taylor, Kathleen

Brown, Lawrence
 Domingo, Baldwin
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Wall, Janet

SULLIVAN

Cloutier, John
 Franklin, Peter
 and the motion failed.

Converse, Larry
 Houde-Quimby, Charlotte

Donovan, Thomas
 Phinify, James

Ferland, Brenda
 Prichard, Stephen

INDEFINITELY POSTPONE

Rep. Daniel Eaton moved that **HB 1707**, establishing a school choice certificate program, be indefinitely postponed.

Reps. Hunt and Sheila Francoeur spoke against.

Reps. Daniel Eaton and Vaillancourt spoke in favor.

Rep. Hopfgarten requested a roll call; sufficiently seconded.

YEAS 174 NAYS 154

YEAS 174

BELKNAP

Millham, Alida

Morrison, Gail

Nedeau, Stephen

Russell, David

CARROLL

Buco, Thomas

Knox, J David

Olimpio, J Lisbeth

Philbrick, Donald

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Parkhurst, Henry
 Roberts, Kris

Butcher, Suzanne
 Eaton, Daniel
 Plifka, Stanley Jr
 Robertson, Timothy

Butynski, William
 Espiefs, Peter
 Pratt, John
 Tilton, Anna

Chase, William
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

COOS

Buzzell, Bernard
 Remick, William

Mears, Edgar
 Theberge, Robert

Merrick, Scott

Morneau, Renney

GRAFTON

Almy, Susan
 Cooney, Mary
 McLeod, Martha
 Solomon, Peter

Andersen, Gene
 Ham, Bonnie
 Mulholland, Catherine
 Williams, Burton

Benn, Bernard
 Hammond, Lee
 Nordgren, Sharon

Bleyler, Ruth
 Harding, A Laurie
 Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
 Campbell, David
 Coughlin, Pamela
 Egbers, Fran
 Goley, Jeffrey
 Haley, Robert

Beaulieu, Jane
 Chase, Claudia
 Craig, James
 Essex, David
 Gorman, Mary
 Hall, Betty

Boehm, Ralph
 Clemons, Jane
 DeVries, Betsi
 Foster, Linda
 Goyette, Peter Jr
 Harvey, Suzanne

Calawa, Leon Jr
 Cote, Peter
 Dokmo, Cynthia
 Garrity, Patrick
 Graham, John
 Irwin, Anne-Marie

Jean, Claudette
Messier, Irene
O'Brien, William
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Kopka, Angeline
Michon, Stephen
O'Connell, Timothy
Scanlon, Michael
Shaw, Kimberly
Vaillancourt, Steve

Kurk, Neal
Moran, Edward
Pappas, Christopher
Schulze, Joan
Smith, David
Velez, Hector

Lasky, Bette
Movsesian, Lori
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Lockwood, Priscilla
Potter, Frances
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Marple, Richard
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
Foose, Robert
Kennedy, Richard
McMahon, Patricia
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
French, Barbara
Klose, John
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Asselin, Michael
Cooney, Richard
Johnson, Robert
Moody, Marcia
Powers, James
Serlin, Christopher
Wiley, Robert

Brown, C.
DiFruscia, Anthony
Katsakiores, George
Morris, Richard
Priestley, Anne
Splaine, James
Winchell, George

Cali-Pitts, Jacqueline
Flockhart, Eileen
Katsakiores, Phyllis
Pantelakos, Laura
Robertson, Carl
Stone, Joseph

Casey, Kimberley
Gould, Kenneth
Langley, Jane
Parker, Benjamin
Robinson, John
Wells, Roger

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Kears, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Julie
Creteau, Irene
Heon, Richard
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Phinizz, James

Ferland, Brenda
Prichard, Stephen

Franklin, Peter

NAYS 154

BELKNAP

Allen, Janet
Rosen, Ralph
Veazey, John

Fitzgerald, James
Thomas, John
Wendelboe, Fran

Heald, Bruce
Tilton, Franklin
Whalley, Michael

Pilliod, James
Tobin, William

CARROLL

Babson, David Jr
Martin, James
Stevens, Stanley

Brown, Carolyn
McConkey, Mark

Chandler, Gene
Morrow, Harry

Dickinson, Howard
Patten, Betsey

CHESHIRE

Emerson, Susan

Hogancamp, Deborah

Hunt, John

Sawyer, Sheldon

COOS

King, Frederick
Tholl, John Jr

Lary, Bruce

Richardson, Herbert

Stohl, Eric

GRAFTON

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Giuda, Robert

Maybeck, Margie

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Crane, Elenore Casey	Desmarais, Vivian
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Francoeur, Bea
Gargas, Carolyn	Gibson, John	Golding, William	Gonzalez, Carlos
Hagan, Barbara	Hawkins, Ken	Hellwig, Steve	Holden, Randolph
Jasper, Shawn	Jeudy, Jean	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	Matarazzo, Anthony Sr	McRae, Karen
Mead, Robert	Mooney, Maureen	Ober, Lynne	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Slocum, Lee	Souza, Kathleen	Ulery, Jordan	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	L'Heureux, Stephen
Langlais, Thomas	MacKay, James	Maxfield, Roy	Oliver, James
Whiting, Herbert			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Dalrymple, Janeen	Dowd, John	Dowling, Patricia	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell
Introne, Robert	Itse, Daniel	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Nowe, Ronald
Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Weyler, Kenneth	Zolla, William	

STRAFFORD

Albert, Russell	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	

SULLIVAN

Donovan, Thomas	Osgood, Philip Sr	Rodeschin, Beverly
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and the motion was adopted.

Rep. Asselin voted Yea and intended to vote Nay.

The House recessed at 12:05 p.m.

RECESS**(Speaker Scamman in the Chair)**

The House reconvened at 1:30 p.m.

SPECIAL ORDER - REGULAR CALENDAR (CONT'D.)

HB 1766, relative to the duties of the state board of education concerning educating pupils on AIDS and venereal diseases. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Emma L. Rous for the Majority of Education: The State Board of Education already reviews and evaluates the effectiveness of course materials and instruction regarding venereal diseases. The bill blames school curricula for rising STD rates with no corroborating evidence, and only spe-

cifically recommends evaluating abstinence curricula. The legislature repealed the requirement that the Department of Education submit a written report of its findings, and no funding is provided in this bill to reinstate reporting. Vote 10-4.

Rep. Michael A. Balboni for the Minority of Education: This bill would simply require the Board of Education to do what it is supposed to do in current law: evaluate sexually transmitted diseases (STD's) education methods and materials used in this state as well as other states, and make recommendations on curricula that actually reduce STD rates. Why should you support passage of this bill? There is an epidemic of STD's in our state. Our own Dept. of Health and Human Services has tracked STD's in our state for many years. Their figures show huge increases in STD rates over the past 5 years, especially within our teenage population. Yet the State Board of Education, responsible for curriculum recommendations, continues to recommend STD education methods and materials that are ineffective in reducing STD's in our state. To not pass this bill condemns many of our teens to a lifetime of sexually-related problems that could have been prevented with the appropriate school instruction.

Majority committee report adopted.

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority of Election Law: Over this legislative session, the Election Law Committee has received testimony from a number of witnesses who have expressed surprise that individuals could register to vote in New Hampshire without at that time having an obligation to obtain a New Hampshire operators license or register their motor vehicles in New Hampshire should they choose to operate or own a motor vehicle in New Hampshire. By simply stating that the presence and intent to maintain New Hampshire as a domicile will establish residency for motor vehicle purposes, HB 1566 eliminates this confusion. In order to further eliminate confusion, the bill establishes the same time period of 40 days for obtaining a new license or vehicle registration for persons moving their residence within the state and persons from other states coming to New Hampshire to live instead of the present rule of ten days for intra-state moves and 60 days for those first coming into New Hampshire. This bill does not nullify any right to vote because it neither requires a New Hampshire driver's license to vote nor requires persons to obtain a New Hampshire drivers license if they vote when they otherwise do not want to have a driver's license. Unlike most states, New Hampshire does not require its voters to have a minimum period of residency in order to vote; all this bill would say is that by voting in New Hampshire, a person is confirming his or her residency for motor vehicle purposes and has to get a license and change vehicle registration if he or she wants to drive or keep a vehicle on the road. Clearly defining when residency begins does not discriminate against anyone except those who would choose to vote in a New Hampshire election and then want to claim that doing so does not confirm or make him or her a New Hampshire resident. Vote 12-4.

Rep. Charles F. Weed for the Minority of Election Law: By equating residency for motor vehicle purposes with the fundamental right to vote, this bill will nullify the right of some United States citizens to participate in federal elections if they do not believe a New Hampshire driver's license should be a requirement to vote. Transitional voters may not be vested in any specific community, but are entitled to vote if they are citizens over age 18 and live more than one half year in a town or village in New Hampshire. If the legislature wishes to discriminate against some legitimate transitional voters in federal elections, then in order to meet constitutional requirements, New Hampshire must provide separate ballots for federal and state elections.

Majority Amendment (1182h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 7:

3 Registration of Vehicles; Resident of State. Amend RSA 261:45 to read as follows:

261:45 Resident of State. Notwithstanding the provisions of RSA 261:44, when a nonresident has established a bona fide residency in this state, said resident shall have a maximum of [60] 40 days from the date his *or her* residency was established in which to register his *or her* vehicle in New Hampshire.

4 Registration of Vehicles; Change of Address or Name. Amend RSA 261:55 to read as follows:
261:55 Change of Address or Name.

I. Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown on a registration certificate or certificate of title, such person shall within [†0] 40 days thereafter notify the division in writing of his *or her* old and new address.

II. Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise, such person shall within [†0] 40 days notify the division of such former and new name.

5 Drivers' Licenses; Change of Name or Address. Amend RSA 263:9 to read as follows:

263:9 Notice of Change of Licensee's Name or Address. Whenever any person who has been duly licensed to drive a motor vehicle within this state shall change his *or her* legal name or his *or her* permanent residence [he] *the person* shall notify the director in writing of such change within [†0] 40 days.

6 Drivers' Licenses; Nonresident Who Establishes a Residency in the State. Amend RSA 263:35 to read as follows:

263:35 Nonresident Who Establishes a Residency in the State. Notwithstanding the provisions of RSA 261:44 or any other law to the contrary, any nonresident driver of a motor vehicle who holds a valid driver's license in another jurisdiction, upon the establishment of a bona fide residency in this state, shall have a maximum of [60] 40 days from the date his *or her* residency was established to obtain a driver's license issued by the state of New Hampshire.

AMENDED ANALYSIS

This bill modifies definition of resident for motor vehicle law purposes and makes the determination of residence for motor vehicle law purposes the same as that of domicile for voting purposes. This bill also establishes a 40-day deadline for notifying the department of safety of changes of name or address and obtaining vehicle registrations and drivers' licenses by new residents. On a division vote, 176 members having voted in the affirmative and 121 in the negative, the majority committee amendment was adopted.

The question now being adoption of the majority committee report.

Rep. Weed spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Weed requested a roll call; sufficiently seconded.

YEAS 184 NAYS 136

YEAS 184

BELKNAP

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Heald, Bruce
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Wendelboe, Fran	Whalley, Michael		

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Emerson, Susan	Hogancamp, Deborah	Hunt, John	Sawyer, Sheldon
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COOS

Lary, Bruce	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Gargas, Carolyn	Gibson, John
Golding, William	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hawkins, Ken	Hellwig, Steve	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
Lessard, Rudy	Manney, Pamela	McRae, Karen	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Slocum, Lee	Smith, David	Souza, Kathleen
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Kennedy, Richard
Kidder, David	Klose, John	L'Heureux, Stephen	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Maxfield, Roy
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John	Doyle, Christopher
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Francoeur, Sheila
Garrity, James	Gilbert, Karl	Gould, Kenneth	Griffin, Mary
Hopfgarten, Paul	Hughes, Daniel	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Julie	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia	Easson, Timothy
Hollinger, Jeffrey	Newton, Clifford		

SULLIVAN

Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 136**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Weed, Charles	

COOS

Merrick, Scott Theberge, Robert

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Brassard, Paul
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, Peter
DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran	Essex, David
Foster, Linda	Garrity, Patrick	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Jeudy, Jean	Kopka, Angeline
Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	McMahon, Patricia	Oliver, James
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Asselin, Michael	Brown, C.	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dowling, Patricia	Flockhart, Eileen	Langley, Jane
Moody, Marcia	Pantelakos, Laura	Parker, Benjamin	Powers, James
Robertson, Carl	Serlin, Christopher	Splaine, James	

STRAFFORD

Berube, Roger	Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn
Domingo, Baldwin	Grassie, Anne	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinzy, James	Prichard, Stephen

and the majority committee report was adopted.
Ordered to third reading.

HB 1711-FN, relative to the regulation of fuel gas fitters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donald F. Ryder for the Majority of Executive Departments and Administration: This bill is relevant to the regulation of fuel gas fitters. It has been referred to "Amilia's Law," which was the result of a gas explosion tragedy resulting in the loss of life. As such, it establishes licensing for persons who install or service liquefied propane and natural gas equipment. The bill allows the State Fire Marshall to define the license and renewal requirements, sets penalties for non-compliance and provides for inspection of work performed. In addition, the State Fire Marshall shall establish, through rules pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses. The State Fire Marshall shall have the authority to appoint inspectors to insure compliance throughout the state with practices consistent with the public safety and welfare. It also provides license renewal relief for reservists called to active duty. Vote 10-3.

Rep. Ken Hawkins for the Minority of Executive Departments and Administration: This bill, as well intentioned as it is, is really searching for a solution to a problem that does not exist. The bill was brought forward because of a tragedy that occurred when a carpenter cut a gas line that was turned off in a wall when they were doing repairs to the house because pipes had frozen and had flooded certain sections of the house. The gas was turned on by the occupants on a week-end visit and an explosion killed a child. All of the testimony we heard agreed that licensing would not have prevented this tragedy.

Majority Amendment (1206h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Department of Safety; State Fire Marshal; Fuel Gas Fitter Regulation. Amend RSA 21-P:12 by inserting after paragraph VI the following new paragraph:

VII. Administration, supervision, and enforcement of RSA 153:27-37 regulating fuel gas fitters.

2 New Subparagraph; Department of Safety; Fuel Gas Fitters. Amend RSA 21-P:14, II by inserting after subparagraph (dd) the following new subparagraph:

(ee) Licensing fuel gas fitters, as authorized by RSA 153:27-37.

3 New Subdivision; Fuel Gas Fitters. Amend RSA by inserting after RSA 153:26 the following new subdivision:

Fuel Gas Fitters

153:27 Definitions. In this subdivision:

I. "Fuel gas fitter" means a hearth system installation and service technician, a liquefied propane installation technician, a liquefied propane service technician, a natural gas installation technician, a natural gas service technician, or a piping installer regulated by this subdivision.

II. "Fuel gas fitting" means the installation, repair, alteration, service, demolition or removal of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas or propane for residential or non-residential use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation.

III. "Hearth system installation and service technician" means any person engaged in the installation, servicing, and repair of liquefied propane or natural gas hearth appliances and venting systems.

IV. "Liquefied propane installation technician" means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas.

V. "Liquefied propane service technician" means any person engaged in the servicing and repair of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using liquefied propane gas.

VI. "License" means any license issued pursuant to this subdivision, including any specialty license.

VII. "Natural gas installation technician" means any person engaged in the installation of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using natural gas.

VIII. "Natural gas service technician" means any person engaged in the service and repair of inside and outside piping from the outlet of the gas meter or second stage regulator or residential and non-residential heating equipment systems or water heating systems using natural gas.

IX. "Person" means a natural person, corporation, partnership, association, trust, or other entity capable of holding title to real property, or any combination thereof.

X. "Piping installer" means any person engaged in the installation of liquefied propane gas or natural gas piping or who is a New Hampshire licensed plumber and by demonstration, approved by the state fire marshal, through affidavit, experience, education or training in the use of NFPA 54, national fuel gas code as adopted pursuant to RSA 153:5 in the state fire code.

153:28 Powers and Duties of the State Fire Marshal; Rulemaking.

I. The state fire marshal shall adopt rules under RSA 541-A necessary for the proper performance of the state fire marshal's duties to implement the licensure requirements established in this subdivision, which shall include the following:

(a) Standards regarding education or its equivalent, experience requirements, and testing requirements for applicants for initial licensure for the following specialty licenses:

(1) Hearth system installation and service technician.

(2) Liquefied propane installation technician.

- (3) Liquefied propane service technician.
- (4) Natural gas installation technician.
- (5) Natural gas service technician.
- (6) Piping installer.

(b) Standards for license renewal and continuing education requirements. Continuing education requirements may be fulfilled in full or in part by existing training programs approved by the state fire marshal. The rules shall address continuing education requirements for each specialty license, including but not limited to the number of hours of continuing education for each specialty license, and education applicable to holders of multiple specialty licenses.

(c) The state fire marshal shall adopt rules relative to the establishment of application fees for licensure, for renewal, and for late renewal of licenses under this subdivision. The fee for examination by third parties shall be separate from the fees established by the state fire marshal.

(d) After the first year, fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees shall be deposited in the fire standards and training and emergency medical services fund, established by RSA 21-P:12-d.

II. The state fire marshal shall adopt technical standards for fuel gas fitting by rule under RSA 541-A. The state fire marshal shall adopt the most recent edition of the national fuel gas code adopted by the state under RSA 153:5.

III. The state fire marshal shall administer, and enforce the provisions of this subdivision. The heating system certification advisory committee established under RSA 153:16-c shall assist the state fire marshal in carrying out the duties under this subdivision by providing advice regarding:

- (a) Developing rules required for this subdivision.
- (b) Implementing the licensing requirements under this subdivision.

153:29 Examinations; Licenses.

I. The state fire marshal shall establish, through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses. The scope of such examinations and the methods of procedure shall be prescribed by the state fire marshal. This may include an outside organization approved by the state fire marshal.

II. Each license issued by the state fire marshal shall identify which of the following special licenses applies to the licensee.

- (a) Hearth system installation and service technician.
- (b) Liquefied propane installation technician.
- (c) Liquefied propane service technician.
- (d) Natural gas installation technician.
- (e) Natural gas service technician.
- (f) Piping installer.

III. No licensee shall engage in any activity not covered by his or her specialty license.

IV. The licensee shall have in his or her possession a current biennial license issued by the state fire marshal. The license shall be available for inspection on request. The state fire marshal shall issue both a wall license and a license suitable to be carried by the individual licensee.

153:30 Expiration and Renewal.

I. Licenses shall be renewed as follows:

(a) All licenses shall expire every 2 years on the last day of the month of the holder's birth. The state fire marshal shall renew a valid license issued under this subdivision on receipt of an application for renewal and the required fee before the expiration date of the license.

(b) If a person fails to renew his or her license prior to expiration, the person may have the license reinstated within 90 days of its expiration by paying the reinstatement fee in addition to the renewal fee. A late fee is not required during the first 30 days of expiration.

(c) Any application received 90 days or more after the expiration of the license shall be rejected unless accompanied by proof of successful completion of the examination required under RSA 153:29 subsequent to its expiration.

(d) Applicants for license renewal shall provide to the state fire marshal evidence of completion of continuing education within the previous 24-month period.

II. Upon the request of a licensed fuel gas fitter who is a member of any reserve component of the Armed Forces of the United States and is called to active duty, the state fire marshal shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

153:31 Emergencies. The state fire marshal is authorized, at his or her discretion, to waive the requirements of this subdivision for the purpose of restoring service during an emergency.

153:32 Disciplinary Action.

I. The state fire marshal may undertake disciplinary proceedings:

(a) Upon his or her own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the state fire marshal has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this subdivision shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision;

(b) Conviction of any criminal offense involving injury to a victim or the risk of such injury or any criminal offense involving dishonesty;

(c) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession;

(d) Unfitness or incompetence by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the health or safety of persons under the care of the licensee;

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this subdivision;

(f) Mental or physical incompetence to practice under this subdivision;

(g) Willful or repeated violation of the provisions of this subdivision; or

(h) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.

III. The state fire marshal may take disciplinary action in any one or more of the following ways:

(a) By reprimand;

(b) By suspension, limitation, or restriction of license for a period of up to 5 years after hearing before the fire marshal or his or her designee pursuant to RSA 541-A, unless waived by the licensee;

(c) By revocation of license after hearing before the fire marshal or his or her designee pursuant to RSA 541-A, unless waived by the licensee; or

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

153:33 Appeals. Any person affected by a final decision of the state fire marshal may appeal such final decision pursuant to RSA 541.

153:34 Inspectors.

I. The state fire marshal shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with practices consistent with the public safety and welfare.

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter subject to regulation is performing, or has performed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative inspection warrant under RSA 595-B.

III. An inspector appointed under this subdivision may order the removal or correction of any violation of this subdivision.

IV. Whenever an inspector orders the removal or correction of a violation under paragraph III, he or she shall immediately notify the local building inspection department or administrative authority of the town where the violation is located, and further order that all the work in violation be corrected prior to continuance. The local building authority shall approve the continuation of work upon being satisfied that violations have been corrected and shall notify the inspector of such approval.

153:35 Local Enforcement. The rules adopted pursuant to RSA 153:28, may be enforced by the building inspection department or by any officer designated by the administrative authority of the city or town; provided, however, that a city or town may adopt and enforce ordinances more stringent than the rules adopted under this subdivision.

153:36 Exception. The license requirements of this subdivision shall not apply to anyone who performs fuel gas fitting within an existing structure owned or occupied by the person who performs the fuel gas fitting work, and such structure is used as the individual's primary residence. Notwithstanding

any provision to the contrary, any person who is exempt under this subdivision shall perform fuel gas fitting work in accordance with applicable technical standards, and comply with any applicable code, application, and inspection requirements that may apply to the fuel gas fitting work performed.

153:37 Penalties.

I. Any person who performs fuel gas fitting without first having obtained a license, shall be guilty of a misdemeanor.

II. Any person who violates any rule adopted under RSA 153:28 or whoever violates any ordinance or bylaw enacted pursuant to the provisions of RSA 153:35 shall be guilty of a misdemeanor.

III. Any person which procures any license based upon inaccurate information contained on an application, or procures any license by fraud, shall be guilty of a misdemeanor.

IV. Any person who performs fuel gas fitting without first having obtained a license, or who violates any rule adopted pursuant to this subdivision, and such performance of fuel gas fitting results in serious bodily injury or death, shall be guilty of a felony.

V. The penalties in this subdivision shall not apply until after one calendar year following the effective date of rules first adopted under this subdivision.

4 Certification of Heating Equipment Installers. Amend the section heading of RSA 153:16-b and RSA 153:16-b, I and II to read as follows:

153:16-b Certification of Heating Equipment Installers [~~;~~] *and* Heating Equipment Service Personnel [~~;~~ *and* Gas Piping Installers]; Penalty.

I. The state fire marshal shall establish a voluntary certification program for certifying the following:

(a) Individuals involved in the installation of residential and [~~commercial~~] *non-residential* heating equipment systems, [~~domestic~~] water heating systems, or appliances using heating oil [~~;~~ liquefied petroleum gas (propane); or natural gas].

(b) Individuals involved in the servicing and repair of heating equipment, [~~domestic~~] water heating systems, or appliances using heating oil [~~;~~ liquefied petroleum gas; or natural gas].

(c) Individuals involved in the installation of gas piping for heating systems; domestic water heating systems, or appliances using natural gas or liquefied petroleum gas.

(d) Individuals involved in the installation of hearth systems using liquefied petroleum gas or natural gas].

II. The commissioner of the department of safety shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum education and training standards for voluntarily certified heating equipment installers[~~;~~] *and* heating equipment service personnel[~~;~~ gas piping installers, and hearth system installers].

5 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill establishes the licensure of fuel gas fitters by the state fire marshal.

Majority committee amendment adopted.

Rep. Ryder offered floor amendment (1246h).

Floor Amendment (1246h)

Amend RSA 153:30, II as inserted by section 3 of the bill by replacing it with the following:

II. Upon the request of a licensed fuel gas fitter who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the state fire marshal shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's discharge by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

Amend RSA 153:34, II as inserted by section 3 of the bill by replacing it with the following:

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter subject to regulation is performing, or has completed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not reasonably obtainable, the state fire marshal or his or her designee may obtain an administrative inspection warrant under RSA 595-B. Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Transition; Certified Installers. Individuals certified as gas piping installers or hearth system installers under RSA 153:16-b immediately prior to the effective date of this act, shall be permit-

ted to continue practicing as certified gas piping installers or hearth system installers for one year following the adoption of rules by the state fire marshal under RSA 153:28. Following the one-year period all such persons shall be required to be licensed pursuant to RSA 153:27-37.

Rep. Ryder spoke in favor.

Floor amendment (1246h) adopted.

On a division vote, 219 members having voted in the affirmative and 101 in the negative, the majority committee report as amended was adopted.

Ordered to third reading.

Rep. Hagan declared a conflict of interest and did not participate.

HB 1224-FN, establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: The purpose of this bill was to begin the process of establishing reciprocal arrangements with other states to limit the liability of each when sued for damages in another. The exposure to damages of each state enacting this or any substantially identical bill would be limited to the statutory limit (if any) enacted by that state, regardless of in which other participating state it was sued. In the case of New Hampshire, this would mean that, when sued in the courts of any other participating state, its exposure would be limited to the current statutory cap of \$250,000 establishing by RSA 541-B:14, the same limit to which it is exposed when sued in the courts of this state. Several objections to this bill were raised, which included its confusing wording, the question of why other states would wish to limit the recovery rights of its citizens to a cap so low as that of New Hampshire, and the constitutionality—notwithstanding decisions of our Supreme Court upholding it—of any statutory cap on damage awards, given the right expressed in Article 14 of our Bill of Rights that every subject of the state is entitled to have recourse to a complete remedy for all injuries. Vote 15-5.

Committee report adopted.

HB 1492, granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Vivian J. Desmarais for the Majority of Judiciary: The committee believes that an immunity bill is unnecessary since the contraceptive bill law passed in the last session which states very clearly the responsibility and the duties of the pharmacists in dispensing this pill. The current law provides that pharmacists must volunteer to dispense this drug and can only do so after taking a course about procedures to be used. Anything further would just complicate matters, therefore putting the young women into a position of having an unwanted pregnancy. Vote 17-3.

Rep. Nancy J. Elliot for the Minority of Judiciary: There are some pharmacists in this state that have a moral objection to dispensing pills that in some instances abort a fetus. This bill allows a pharmacist to refuse to dispense the "morning after pill" and be free from liability for such refusal. Doctors who refuse to perform abortions are protected; our pharmacists should be also.

Reps. Souza and McRae spoke against.

Reps. Itse and Hagan spoke against and yielded to questions.

Reps. Bergin and Lasky spoke in favor and yielded to questions.

Rep. Langlais requested a roll call; sufficiently seconded.

YEAS 215 NAYS 106

YEAS 215

BELKNAP

Allen, Janet
Nedeau, Stephen

Heald, Bruce
Pilliod, James

Millham, Alida
Russell, David

Morrison, Gail
Thomas, John

CARROLL

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark

Dickinson, Howard
Merrow, Harry

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Weed, Charles		

COOS

King, Frederick	Lary, Bruce	Merrick, Scott	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Calawa, Leon Jr
Campbell, David	Carter, Mark	Chase, Claudia	Christensen, D L Chris
Clemons, Jane	Cote, Peter	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Matarazzo, Anthony Sr	Mead, Robert
Messier, Irene	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Price, Pamela	Rosenwald, Cindy	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Osborne, Jessie	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Asselin, Michael	Bishop, Franklin	Bridle, Russell	Brown, C.
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley
Charron, Gene	Cooney, Richard	DiFruscia, Anthony	Doyle, Christopher
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl
Gould, Kenneth	Johnson, Robert	Katsakiores, George	Langley, Jane
Major, Norman	McKinney, Betsy	Moody, Marcia	Morris, Richard
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Weare, E Albert	Welch, David	Wells, Roger

STRAFFORD

Bickford, David	Brown, Julie	Brown, Lawrence	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne	Heon, Richard

Hofemann, Roland
Knowles, William
Schmidt, Peter
Wall, Janet

Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Kaen, Naida
Rollo, Michael
Spang, Judith

Keans, Sandra
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizz, James

Ferland, Brenda
Prichard, Stephen

NAYS 106

BELKNAP

Boyce, Laurie
Tobin, William

Fitzgerald, James
Wendelboe, Fran

Rosen, Ralph
Whalley, Michael

Tilton, Franklin

CARROLL

Brown, Carolyn

Philbrick, Donald

Stevens, Stanley

CHESHIRE

Butynski, William

COOS

Morneau, Renney

Remick, William

Richardson, Herbert

GRAFTON

Giuda, Robert

Ingbretson, Paul

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Bergeron, Jean-Guy
Brundige, Robert
Clark, Mark
Elliott, Nancy
Hagan, Barbara
Judy, Jean
Manney, Pamela
O'Brien, William
Slocum, Lee
Wheeler, Robert

Adams, Jarvis IV
Biundo, Michael
Buhlman, David
Coughlin, Pamela
Francoeur, Bea
Hawkins, Ken
L'Heureux, Robert
McRae, Karen
Pilotte, Maurice
Souza, Kathleen

Balboni, Michael
Boehm, Ralph
Carew, James
Crane, Elenore Casey
Gibson, John
Hellwig, Steve
Lawrence, James
Mooney, Maureen
Reeves, Sandra
Ulery, Jordan

Batula, Peter
Brassard, Paul
Christiansen, Lars
Dyer, Donald
Goyette, Peter Jr
Hirschmann, Keith
Lessard, Rudy
Moran, Edward
Renzullo, Andrew
Wheeler, James

MERRIMACK

Field, William

Kennedy, Richard

Langlais, Thomas

Soltani, Tony

ROCKINGHAM

Allen, Mary
Coburn, James
Fesh, Bob
Hopfgarten, Paul
Katsakiores, Phyllis
Nowe, Ronald
Quandt, Matthew
Weyler, Kenneth

Bettencourt, David
Donahue, Richard Ken
Garrity, James
Hughes, Daniel
Lund, Howie
Packard, Sherman
Scamman, Stella
Winchell, George

Cady, Harriet
Dowd, John
Griffin, Mary
Introne, Robert
Mason, April
Palazzo, Frank
Waterhouse, Kevin
Zolla, William

Carson, Sharon
Dumaine, Dudley
Headd, James
Itse, Daniel
McMahon, Charles
Quandt, Marshall Lee
Weldy, Norman

STRAFFORD

Albert, Russell
Cataldo, Sam
Newton, Clifford

Berube, Roger
Chaplin, Duncan

Callaghan, Frank
Easson, Timothy

Campbell, W Packy
Hollinger, Jeffrey

SULLIVAN

Irish, Christopher
and the majority committee report was adopted.

Osgood, Philip Sr

Rodeschin, Beverly

HB 1768-FN, relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the Supreme Court. **OUGHT TO PASS WITH AMENDMENT.**
 Rep. Robert D. Mead for Judiciary: This bill in addition to establishing a committee to study the effects of rescinding the charter granted by the legislature in 1873 to the New Hampshire Bar Association and the subsequent incorporation of a voluntary membership organization, does the following. It establishes the authority and procedures for the regulation of attorneys by the Supreme Court, and removes from current law all references to the New Hampshire Bar Association, and its mandatory membership as a requirement to practice law or hold state appointed positions in RSA 494:1, RSA 363:1, RSA 604-B4, and RSA 161-B:2X. It further deletes the contract approval requirement by the "board of governors of the New Hampshire Bar Association" for the public defender program, and replaces with the words "State Bar" all previous references to the New Hampshire Bar Association. Vote 13-7.

Amendment (1152h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the supreme court.

Amend the bill by replacing sections 1 and 2 with the following:

I Study Committee Established; Purpose.

I. There is established a committee to study the effects of rescinding the charter of the New Hampshire Bar Association. The study shall consider that subsequent incorporation shall be limited to the association purposes stated in articles of incorporation by voluntary membership of attorneys admitted by the supreme court to practice in this state, and shall not be made or interpreted to require membership in the association as a condition of practicing law as a licensed attorney.

II. The members of the committee shall be as follows:

(a) Three members of the house of representatives, one of whom shall be a member of the finance committee and 2 of whom shall be members of the judiciary committee, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall study:

(a) The effects of rescinding the charter of the New Hampshire Bar Association, including contractual ramifications, distribution of assets, removal and reassignment of duties of officers, and any other effects deemed worthy by the committee.

(b) Matter related to subsequent incorporation of a voluntary bar association.

(c) The collection and deposit of fees paid by attorneys to be licensed to practice law, whether in the general fund or other state fund.

(d) The payment of attorney dues and supreme court fees by state and local governments.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before July 1, 2007.

2 Attorneys and Counselors. RSA 311 is repealed and reenacted to read as follows:

CHAPTER 311 ATTORNEYS

311:1 Admission to Practice; Regulation of Attorneys.

I. The supreme court shall regulate the practice of law by attorneys and their admission to practice law in New Hampshire. It shall have continuing supervisory authority over attorneys practicing before courts and agencies in this state, and may assess fees for the purpose of regulating the practice of law and for disciplinary investigations, hearings, and enforcement.

II. Any citizen of the age of 18 years, of good moral character and suitable qualifications, on application to the supreme court and upon meeting the requirements of the supreme court shall be admitted to practice law as an attorney.

III. The supreme court shall adopt rules for the regulation of attorneys, including procedures for admission and examination, establishing all fees, disciplinary procedures, and other matters necessary for administration of this chapter.

311:2 Right to Appear.

I. A party in any cause or proceeding may appear, plead, prosecute, or defend in his or her proper person, that is, pro se, or may be represented by any citizen of good character. For the purposes of this section, a citizen shall be presumed to be of good character unless demonstrated otherwise.

II. No person shall act as attorney in any cause in which the person has acted as judge.

311:3 Oath.

I. Every attorney admitted to practice shall take and subscribe, in open court, the oaths to support the constitution of this state and of the United States, and the oath of office in the following form: You solemnly swear or affirm that you will do no falsehood, nor consent that any be done in the court, and if you know of any, that you will give knowledge thereof to the justices of the court, or some of them, that it may be reformed; that you will not wittingly or willingly promote, sue or procure to be sued any false or unlawful suit, nor consent to the same; that you will delay no person for lucre or malice, and will act in the office of an attorney within the court according to the best of your learning and discretion, and with all good fidelity as well to the court as to your client. So help you God or under the pains and penalty of perjury.

II. No person shall be permitted commonly to practice in New Hampshire as an attorney unless he or she has been admitted by the court and taken the oath prescribed in paragraph I.

311:4 Discipline; Disbarment. The supreme court shall inquire in a summary manner into any charges of fraud, malpractice, or contempt of court against an attorney, and, upon satisfactory evidence of the attorney's guilt, shall suspend such attorney from practice, or may disallow or revoke the authority to practice law in New Hampshire.

311:5 Effect of Suspension. No person while suspended from practice pursuant to RSA 311:4, or until the person's restoration to status in the state bar, shall be permitted to practice law in New Hampshire.

311:6 Practice by Corporations Prohibited. No corporation shall practice or appear as an attorney in any court in the state or before any judicial body or hold itself out to the public or advertise as being entitled to practice law, and no corporation shall draw agreements, or other legal documents not relating to its lawful business, or draw wills, or practice law, or give legal advice or legal information as an attorney, or hold itself out in any manner as being entitled to do any of the foregoing acts, by or through any person orally or by advertisement, letter, or circular; provided that the foregoing prohibition shall not prevent a corporation from employing an attorney in regard to its own affairs or in any litigation to which it is or may be a party. Any person violating any provisions of this section shall be guilty of a felony. Any natural person, including every officer, agent or employee of any such corporation, who, on its behalf, directly or indirectly engages in any of the acts herein prohibited or assists such corporation to do such prohibited acts shall be guilty of a misdemeanor. The term "corporation" as used in this section shall not include a corporation of attorneys organized as a professional association under the provisions of RSA 294-A.

311:7 Lien on Verdict. From the commencement of an action, bill in equity or other proceeding in any court, the filing of a counterclaim or plea in set-off or recoupment, or appearance in any proceeding before any state or federal department, board, or commission, the attorney who appears for a client in such proceeding shall have a lien for reasonable fees and expenses upon the client's cause of action, upon the judgment decree or other order in the client's favor entered or made in such proceeding, and upon the proceeds derived therefrom. The lien cannot be affected by any settlement between the parties before or after the judgment decree or other order. Upon the request of the client or the attorney, the court in which the proceeding is pending, or, if the proceeding is not pending in a court, the superior court, may determine and enforce the lien; provided that this section shall not apply to matters arising under RSA 282-A and any case where the method of determination of attorneys' fees is otherwise expressly provided by statute.

Unauthorized Practice of Law

311:8 Definitions. In this subdivision:

I. "Bar association" means a professional society that may be a corporation for attorneys who are licensed by the supreme court and admitted to practice law in New Hampshire.

II. "Person" means an individual, corporation, partnership, or association.

311:9 Petition for Injunction. Upon the attorney general's own information or upon complaint of any person, including any judge or any organized bar association in this state, the attorney general may maintain an action for injunctive relief in the supreme or superior court against any person who renders, offers to render, or holds himself or herself out as rendering any service which constitutes the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown.

311:10 Investigation by Attorney General.

I. The attorney general may investigate any complaint of unauthorized practice of the law and the attorney general, or a deputy attorney general or an assistant attorney general designated by the attorney general, may subpoena witnesses, compel their attendance, examine them under oath, and require the production of any relevant documentary evidence.

II. The laws relating to the attendance of witnesses in civil actions and the payment of their fees and expenses to those witnesses shall apply to investigations made by the attorney general.

III. If a person fails or refuses to obey a subpoena or to testify as to any material matter regarding which the person may be interrogated, the superior court, upon application by the attorney general, may issue to the person an order requiring the person to appear before the attorney general, or a deputy attorney general or an assistant attorney general designated by the attorney general, to produce documentary evidence or testify. Failure to obey the order of the court may be punished by the court as a contempt of court.

IV. When requested, public officers, their assistants, clerks or employees shall furnish to the attorney general, the deputy or an assistant attorney general designated by the attorney general all information and assistance.

V. Investigations under this section shall be confidential. Any person participating in the investigation who, except as required in the discharge of the person's official duties, discloses to any person, other than to a person under investigation, the name of any person under investigation or any witness examined, or any other information obtained in the investigation is guilty of a misdemeanor.

VI. Every person whose conduct is investigated under this section shall be furnished with a written specification of the issues which are to be considered, and shall be given an opportunity to present evidence and be heard upon the specified issues.

311:11 Remedies and Procedures Additional to Those Now Existing. The remedies and procedures provided in this subdivision are in addition to and not in substitution for other available remedies and procedures.

Amend the bill by replacing section 4 with the following:

4 Judicial Council. Amend RSA 494:1, VIII and IX to read as follows:

VIII. Eight other members appointed by the governor and council, 3 of whom shall be [~~members of the New Hampshire Bar Association~~] *attorneys* of wide experience who have been admitted to practice in the state for more than 5 years, and 5 of whom shall be lay persons; and

IX. Five other members appointed by the chief justice of the supreme court, 3 of whom shall be [~~members of the New Hampshire Bar Association~~] *attorneys* of wide experience who have been admitted to practice in the state for more than 5 years, and 2 of whom shall be lay persons.

AMENDED ANALYSIS

The bill establishes a committee to study the effects of rescinding the charter of the New Hampshire Bar Association.

The bill also establishes the authority and procedure for the regulation of attorneys by the supreme court.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Mead requested a roll call; sufficiently seconded.

YEAS 195 NAYS 122

YEAS 195

BELKNAP

Allen, Janet
Millham, Alida
Russell, David
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Thomas, John

Fitzgerald, James
Pilliod, James
Tobin, William

Heald, Bruce
Rosen, Ralph
Wendelboe, Fran

CARROLL

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Brown, Carolyn
Morrow, Harry
Stevens, Stanley

Chandler, Gene
Olimpio, J Lisbeth

Dickinson, Howard
Patten, Betsey

CHESHIRE

Chase, William

Emerson, Susan

Hogancamp, Deborah

Hunt, John

COOS

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
Ingbretson, Paul
Mulholland, Catherine

Gionet, Edmond
Maybeck, Margie
Nordgren, Sharon

Giuda, Robert
McLeod, Martha
Sorg, Gregory

Harding, A Laurie
Mirski, Paul
Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey
Beaulieu, Jane
Brundige, Robert
Carter, Mark
Clemons, Jane
Dyer, Donald
Garrity, Patrick
Hagan, Barbara
Infantine, William
Lawrence, James
Mead, Robert
O'Brien, William
Reeves, Sandra
Shaw, Barbara
Ulery, Jordan
Wheeler, Robert

Adams, Jarvis IV
Bergeron, Jean-Guy
Buhlman, David
Christensen, D L Chris
Coughlin, Pamela
Elliott, Nancy
Golding, William
Hawkins, Ken
Jasper, Shawn
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Renzullo, Andrew
Stocum, Lee
Vaillancourt, Steve

Balboni, Michael
Biundo, Michael
Calawa, Leon Jr
Christiansen, Lars
Crane, Elenore Casey
Francoeur, Bea
Goyette, Peter Jr
Hellwig, Steve
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Ober, Lynne
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

Batula, Peter
Boehm, Ralph
Carew, James
Clark, Mark
Desmarais, Vivian
Gargas, Carolyn
Graham, John
Hirschmann, Keith
L'Heureux, Robert
McRae, Karen
Moran, Edward
Price, Pamela
Schulze, Joan
Sullivan, Francis
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
Lockwood, Priscilla
McMahon, Patricia
Yeaton, Charles

Blanchard, Elizabeth
Kidder, David
MacKay, James
Oliver, James

Currier, David
Klose, John
Marple, Richard
Soltani, Tony

Danforth, James
Langlais, Thomas
Maxfield, Roy
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Bridle, Russell
Carson, Sharon
Dowd, John
Flanders, John Sr
Griffin, Mary
Itse, Daniel
Lund, Howie
McMahon, Charles
Packard, Sherman
Priestley, Anne
Robertson, Carl
Weare, E Albert
Weyler, Kenneth

Bettencourt, David
Buxton, Donald
Charron, Gene
Doyle, Christopher
Francoeur, Sheila
Headd, James
Johnson, Robert
Major, Norman
Moody, Marcia
Palazzo, Frank
Quandt, Marshall Lee
Rolston, James
Welch, David
Winchell, George

Bicknell, Elbert
Cady, Harriet
Cooney, Richard
Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Katsakiores, George
Mason, April
Morris, Richard
Parker, Benjamin
Quandt, Matthew
Scamman, Stella
Weldy, Norman
Zolla, William

Bishop, Franklin
Camm, Kevin
Donahue, Richard Ken
Fesh, Bob
Gilbert, Karl
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Powers, James
Rausch, James
Stone, Joseph
Wells, Roger

STRAFFORD

Albert, Russell
Chaplin, Duncan
Hollinger, Jeffrey

Berube, Roger
Cilley, Jacalyn
Knowles, William

Bickford, David
Dunlap, Patricia
Newton, Clifford

Campbell, W Packy
Easson, Timothy
Schmidt, Peter

SULLIVAN

Franklin, Peter
Rodeschin, Beverly

Houde-Quimby, Charlotte

Irish, Christopher

Prichard, Stephen

NAYS 122**BELKNAP**

Morrison, Gail

Tilton, Franklin

CARROLL

Buco, Thomas

Knox, J David

Martin, James

CHESHIRE

Allen, Peter
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Espieffs, Peter
Pratt, John
Sawyer, Sheldon

Butynski, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

COOS

King, Frederick

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary

Andersen, Gene
Hammond, Lee

Benn, Bernard
Sokol, Hilda

Bleyler, Ruth
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Cote, Peter
Egbers, Fran
Goley, Jeffrey
Harvey, Suzanne
Jeudy, Jean
Movsesian, Lori
Ryder, Donald

Bergin, Peter
DeVries, Betsi
Essex, David
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Pappas, Christopher
Shattuck, Gilman

Brassard, Paul
Dokmo, Cynthia
Foster, Linda
Haley, Robert
Irwin, Anne-Marie
Lasky, Bette
Pilote, Maurice
Shaw, Kimberly

Chase, Claudia
Drisko, Richard
Gibson, John
Hall, Betty
Jean, Claudette
Matarazzo, Anthony Sr
Rosenwald, Cindy
Smith, David

MERRIMACK

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Foose, Robert
Osborne, Jessie
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
French, Barbara
Potter, Frances
Tilton, Joy
Williams, Robert

DeJoie, John
Gile, Mary
Rush, Deanna
Tupper, Frank

ROCKINGHAM

Asselin, Michael
Coburn, James
Langley, Jane
Serlin, Christopher

Brown, C.
DiFruscia, Anthony
Pantelakos, Laura
Splaine, James

Cali-Pitts, Jacqueline
Flockhart, Eileen
Robinson, John
Stiles, Nancy

Casey, Kimberley
Gould, Kenneth
Sanders, Elisabeth
Waterhouse, Kevin

STRAFFORD

Brown, Julie
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

Brown, Lawrence
Grassie, Anne
Kaen, Naída
Rous, Emma
Wall, Janet

Callaghan, Frank
Heon, Richard
Keans, Sandra
Smith, Marjorie

Cataldo, Sam
Hofemann, Roland
Miller, Joseph
Spang, Judith

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Osgood, Philip Sr	Phinzy, James		

And the committee report was adopted.

Ordered to third reading.

Reps. David Campbell, Hughes and Peter Sullivan declared a conflict of interest and did not participate.

HB 1770, requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records. **INEXPEDIENT TO LEGISLATE.**

Rep. Donald R. Buxton for Judiciary: The sponsor was not the only person to appear in favor of the bill. The Attorney General, Chiefs of Police, State Police, New Hampshire Sheriffs and some local police all testified against the bill. The consensus was that this bill would take away an effective tool from law enforcement. Presently a warrant is necessary for a wire tap order but not a telephone record.

The Attorney General and/or his/her designee may issue a subpoena for telephone records now. There are certain restrictions and there is no record of abuse of this process. Vote 14-5.

Rep. Kurk spoke against and yielded to questions.

Rep. Buxton spoke in favor and yielded to questions.

Rep. Giuda spoke against.

Rep. Sorg spoke in favor.

Rep. Boyce requested a roll call; sufficiently seconded.

YEAS 175 NAYS 142

YEAS 175**BELKNAP**

Allen, Janet	Fitzgerald, James	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William		

CARROLL

Brown, Carolyn	Buco, Thomas	Chandler, Gene	Knox, J David
Martin, James	McConkey, Mark	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dunn, J Timothy
Emerson, Susan	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Richardson, Barbara	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Tholl, John Jr	

GRAFTON

Bleyler, Ruth	Cooney, Mary	McLeod, Martha	Mulholland, Catherine
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Brassard, Paul	Brundige, Robert	Campbell, David	Carew, James
Cote, Peter	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Foster, Linda	Gargas, Carolyn	Garrity, Patrick	Golding, William
Graham, John	Haley, Robert	Hawkins, Ken	Infantine, William
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Judy, Jean
Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr	Mead, Robert

Mooney, Maureen
Pilotte, Maurice
Schulze, Joan
Sullivan, Francis

O'Brien, William
Price, Pamela
Shaw, Barbara
Ulery, Jordan

O'Connell, Timothy
Rowe, Robert
Slocum, Lee
Wheeler, Robert

Pappas, Christopher
Ryder, Donald
Smith, David

MERRIMACK

Blanchard, Elizabeth
Hamm, Christine
MacKay, James
Rush, Deanna
Tupper, Frank

Bouchard, Candace
Kidder, David
Maxfield, Roy
Ryan, Jim
Williams, Robert

Brueggemann, Donald
Klose, John
Oliver, James
Shurtleff, Stephen
Yeaton, Charles

Clarke, Claire
Lockwood, Priscilla
Potter, Frances
Tilton, Joy

ROCKINGHAM

Asselin, Michael
Buxton, Donald
Coburn, James
Fesh, Bob
Garrity, James
Katsakiores, George
Mason, April
Morris, Richard
Rausch, James
Scamman, Stella
Weare, E Albert
Winchell, George

Bicknell, Elbert
Cali-Pitts, Jacqueline
Cooney, Richard
Flanders, John Sr
Gilbert, Karl
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Robertson, Carl
Stiles, Nancy
Welch, David

Bridle, Russell
Casey, Kimberley
Donahue, Richard Ken
Flockhart, Eileen
Gould, Kenneth
Langley, Jane
McMahon, Charles
Palazzo, Frank
Rolston, James
Stone, Joseph
Weldy, Norman

Brown, C.
Charron, Gene
Dowd, John
Francoeur, Sheila
Johnson, Robert
Lund, Howie
Moody, Marcia
Priestley, Anne
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

STRAFFORD

Berube, Roger
Dunlap, Patricia
Johnson, Nancy
Taylor, Kathleen

Brown, Julie
Easson, Timothy
Kaen, Naida
Wall, Janet

Callaghan, Frank
Hofemann, Roland
Knowles, William

Cilley, Jacalyn
Hollinger, Jeffrey
Rous, Emma

SULLIVAN

Ferland, Brenda
Prichard, Stephen

Gale, Harry
Rodeschin, Beverly

Irish, Christopher

Osgood, Philip Sr

NAYS 142

BELKNAP

Boyce, Laurie
Whalley, Michael

Heald, Bruce

Rosen, Ralph

Wendelboe, Fran

CARROLL

Babson, David Jr

Dickinson, Howard

Morrow, Harry

CHESHIRE

Chase, William
Plifka, Stanley Jr
Tilton, Anna

Eaton, Daniel
Pratt, John
Weed, Charles

Espiefs, Peter
Roberts, Kris

Parkhurst, Henry
Robertson, Timothy

COOS

Merrick, Scott

GRAFTON

Almy, Susan
Gionet, Edmond
Maybeck, Margie

Andersen, Gene
Giuda, Robert
Mirski, Paul

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

Eaton, Stephanie
Ingbretson, Paul
Sokol, Hilda

HILLSBOROUGH

Aboshar, Jeffrey
Biundo, Michael
Carter, Mark

Adams, Jarvis IV
Boehm, Ralph
Chase, Claudia

Balboni, Michael
Buhlman, David
Christensen, D L Chris

Bergeron, Jean-Guy
Calawa, Leon Jr
Christiansen, Lars

Clark, Mark	Clemons, Jane	Egbers, Fran	Elliott, Nancy
Essex, David	Francoeur, Bea	Gibson, John	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Hellwig, Steve	Hirschmann, Keith	Holden, Randolph
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Messier, Irene
Moran, Edward	Movsesian, Lori	Ober, Lynne	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Shattuck, Gilman	Shaw, Kimberly
Souza, Kathleen	Sullivan, Peter	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Langlais, Thomas	Marple, Richard	Osborne, Jessie
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	

ROCKINGHAM

Ailen, Mary	Bettencourt, David	Bishop, Franklin	Cady, Harriet
Camm, Kevin	Carson, Sharon	DiFruscia, Anthony	Dumaine, Dudley
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Major, Norman	Nowe, Ronald
Pantelakos, Laura	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Robinson, John	Serlin, Christopher	Splaine, James	Wells, Roger
Zolla, William			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Lawrence	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Grassie, Anne
Heon, Richard	Keans, Sandra	Miller, Joseph	Newton, Clifford
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Phinizy, James		

and the committee report was adopted.

Rep. Carter voted Nay and intended to vote Yea.

Rep. Soltani declared a conflict of interest and did not participate.

HB 1133, establishing the employee civic duty act. **MAJORITY: REFER TO FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sharon M. Carson for the Majority of Labor, Industrial and Rehabilitative Services: This bill seeks to establish an employee civic duty act which gives employees the ability to take time off without pay to perform civic duties. The majority of the committee believes there is merit to this bill, but it needs additional work to create a mechanism which allows employees to engage in public service while respecting the needs and rights of employees. Vote 11-4.

Rep. Jarvis M. Adams for the Minority of Labor, Industrial and Rehabilitative Services: The genesis of this bill is a court case involving one person. No one who testified before the committee knew of even one other example that required this bill. New Hampshire has one of the highest rates of volunteerism in the country. The premise of this bill is faulty and not necessary for even interim study. Majority committee report adopted.

HB 1310, relative to strikes by public employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Jarvis M. Adams for Labor, Industrial and Rehabilitative Services: The committee believes that the day to day operations of the state or municipalities rely upon a wide variety of essential public employees that are not accounted for in this bill. Strikes by such employees would have a devastating effect on cities and towns if this bill became law. Vote 11-3.

Rep. Weed spoke against.

Rep. DiFruscia spoke in favor.

On a division vote, 179 members having voted in the affirmative and 107 in the negative, the committee report was adopted.

HB 1762, extending a committee and adding a certain duty relative to pharmacy reimbursement. **WITHOUT RECOMMENDATION.**

Rep. Hunt moved Inexpedient to Legislate and spoke in favor.

Adopted.

HB 1117, relative to the economic development section of a master plan. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: The intent of the sponsor was to make the local land use boards aware of the issue of workforce housing and low income housing when they were developing the economic development plan section of their master plan. The inclusion of an economic development plan in the master plan is an option that the planning board can choose to include or not as stated in RSA 674:2, III, (c). The planning Board already does this type of planning in the housing section of RSA 674:2, II (I). So this legislation is not necessary. Also SB 190 was passed by the Senate which establishes a committee to study including workforce housing in zoning ordinances. The committee has heard a great deal of concern from the business community, housing finance authority, chambers of commerce and other entities in the state about the lack of affordable housing. The number of bills that address this issue is growing. The legislature and the interested entities in the state need to sit at the table and find a solution using a public/private partnership template where both parties take responsibility for reaching a solution, not just putting out a percentage for the local communities. Vote 12-4.

Rep. Jessie L. Osborne for the Minority of Municipal and County Government: The minority of the committee believes that this bill ought to pass since it would provide a way for the municipalities to address the need for affordable housing in their master plans economic development section. This bill is enabling.

Majority committee report adopted.

Rep. Gibson did not vote and notified the Clerk that he wished to be recorded against.

HB 1379, relative to the investment of trust funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John P. Dowd for the Majority of Municipal and County Government: This bill authorizes the trustees of the trust funds to invest in certain mutual funds if they conform to the trustees' investment policy which was adopted for trust funds. It also requires the trustees to adopt an investment policy for capital reserve funds and to file all investment policies with the Attorney General. By eliminating the reference to RSA 35:9, which regulates the establishment and handling of capital reserve funds, and only referring to RSA 31:5, which dictates how the trustees will manage all trust funds held by their town, diminishes the investment policies of the capital reserve funds. Under RSA:9, the governing body shall review and adopt investment policies on a yearly basis. By removing RSA 35:9 and only referring to RSA 31:5 would mean only the trustees of the trust funds would adopt an investment policy for these capital reserve funds. The majority of the committee feels that no testimony was heard to indicate that the present policy making process is flawed. Vote 10-6.

Rep. Gilman C. Shattuck for the Minority of Municipal and County Government: The intent of HB 1379 is to correct a longstanding problem in existing legislation. It clarifies investment of funds by trustees. It was strongly supported in testimony by the Attorney General's office. This is a minor technical correction that would facilitate the work of trustees.

Rep. Lund spoke against.

Rep. Dowd spoke in favor and yielded to questions.

On a division vote, 179 members having voted in the affirmative and 107 in the negative, the majority committee report was adopted.

Rep. Rollo declared a conflict of interest and did not participate.

HB 1527, allowing municipalities to establish local community services and care planning boards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: All communities have within them wonderful organizations such as churches, Rotary clubs, food kitchens, youth organizations, senior citizens and many more. These organizations contribute to the well being of their communities on a daily basis. Establishment of these local community services and care planning boards would add an additional layer of bureaucracy and duplication of effort. The committee believes this bill is not necessary. Vote 13-4.

Rep. Stephen G. Prichard for the Minority of Municipal and County Government: This bill would have allowed, not required, a municipality to establish a local community services and care planning board. If created by a town, such a board would coordinate services and social activities and provide the continuity for such activities that all too easily get lost as service leaders come and go. It would not compete with service groups or tell them what to do only help enable them while assessing needs that might be met by such groups. Many towns could greatly benefit from such a board. Majority committee report adopted.

HB 1426, granting a right-of-way over and a license to use certain parcels of state-owned land. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace C. W. Bouchard for Public Works and Highways: This bill, as amended, grants a right-of-way over state-owned land. In 1972, over 30 years ago, NH Fish and Game traded a land-locked 1 ¼ acre parcel on the west side of the Merrimack River in Concord for a 2 acre unrestricted access parcel on the east side of the Merrimack River. NH Fish and Game used this land to build a public-access boat ramp that is currently used today and listed on NH Fish and Games web site. The Fish and Game parcel is currently assessed by the City of Concord as having an appraised value of \$277,800. The parcel received from the State is currently appraised by the City of Concord with a value of \$5,400. This legislation conforms the deeds more fairly to complete that transaction, taking into account the original land sale and more than 30 years of conduct between the parties. The amended bill removes the right of this land owner to use public land for private use. The committee supports the current process of obtaining a lease approved by the Governor and Governor's Council. Vote 8-6.

Amendment (0521h)

Amend the title of the bill by replacing it with the following:

AN ACT granting a right-of-way over state-owned land.

Amend the bill by replacing all after the enacting clause with the following:

1 Grant of Right-of-Way in Concord, New Hampshire. Notwithstanding any provision of law to the contrary, the state of New Hampshire, acting through the commissioner of transportation, shall grant to Leonard Brochu a permanent, continuing right-of-way over land formerly of the Boston and Maine railroad and now owned by the state. The right-of-way shall provide Leonard Brochu with access for agricultural purposes via 2 crossings, no more than one at grade, to a certain parcel of land recorded in the Merrimack County Registry of Deeds Book 1122, Page 285. The location of the crossings shall be at the existing dry trestle and, as created by the department of transportation in 1995 in providing passage over the location of the former railroad trestle, shall be no more than 25 feet in width. The commissioner shall reserve to the state the right to use the railroad land as necessary. The state at its cost may reduce the Brochu access to one crossing of the former railroad land in the vicinity of the existing trestle.

2 Signs. Leonard Brochu shall maintain stop signs and warning signs at the grade crossing.

3 Appurtenant Rights. The right-of-way, including the crossing or crossings to be granted to Leonard Brochu shall be appurtenant rights to the property conveyed to him by the state of New Hampshire by deed recorded in the Merrimack County Registry of Deeds, Book 1122, Page 285, and shall benefit successor owners of that parcel.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill grants a right-of-way over the former Boston and Maine railroad land in Concord, New Hampshire.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1168, establishing a commission to determine how to optimize boating safety on water bodies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the Majority of Resources, Recreation and Development: At hearings in the past year, the committee heard repeatedly that enforcement of existing boating regulations has been ineffectual. This bill provides the opportunity to determine the causes and possible solutions to this problem. Vote 13-4.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: The committee heard numerous testimonies that major safety issues are occurring on New Hampshire waterways, the commission established under this legislation would make recommendations to the legislature to address water safety issues in 2008 and those recommendations will not take effect until the 2009 boating season. The minority believes the expertise to address water safety issues belong to the Resources, Recreation and Development Committee.

Majority Amendment (1134h)

Amend subparagraph I(a) of section 2 the bill by replacing it with the following:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the resources, recreation and development committee.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1324, relative to leasing the Cannon Mountain ski area. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Richard T. Cooney for the Majority of Resources, Recreation and Development: This bill, as introduced, would require the Department of Resources of Economic Development (DRED) to solicit lease proposals for the Cannon Mountain Ski Area. It would also create a legislative committee to review responses and gives the capital budget overview committee the authority to approve any lease. The committee felt this proposal was premature since the state park study commission formed by SB 5, Chapter 276, Laws of 2005, is charged with studying such initiatives and is actively studying state park issues. The committee amendment replaces the bill with a modification of the SB 5 study commission by adding a legislative member who shall be a member of the House Resources, Recreation and Development Committee. Vote 14-3.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: The majority of the committee changed the language of this legislation to put another House member from the Resources, Recreation and Development Committee on the commission to study issues related to the state parks even though this legislation originally called for the leasing of Cannon Mountain Ski Area to a private entity. The minority believes that issues related to the leasing of the state owned ski area should be further studied to see if it is feasible and further enhances the ski experience at Cannon Mountain.

Majority Amendment (1132h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the commission to study the state park system.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission to Study State Park System; Membership. Amend 2005, 276:2, I(b) to read as follows:

(b) ~~[Two]~~ **Three** members of the house of representatives, appointed by the speaker of the house of representatives, *at least one of whom shall be a member of the committee on resources, recreation and development.*

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill increases the number of house members on the commission to study the state park system. Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HB 1494, relative to public use of groundwater. **INEXPEDIENT TO LEGISLATE.**

Rep. John M. Gibson for Resources, Recreation and Development: This legislation gives "primacy" of groundwater to municipally controlled water suppliers. The committee found this legislation confusing and heard testimony from the Department of Environmental Services (DES) stating this legislation was unclear and that more information was required to address the concerns expressed by the sponsor of this legislation. Vote 14-3.

Committee report adopted.

HB 1519, relative to all-terrain vehicle and trail bike trails. **INEXPEDIENT TO LEGISLATE.** Rep. Harry C. Merrow for Resources, Recreation and Development: This bill would require proposals for all terrain vehicle and trail bike trails to be compatible with local planning and zoning ordinances. The committee felt this would lead to a hodgepodge of rules and regulations as the trails traveled from one town to another. One town could possibly shut down an entire trail. Vote 11-4. Committee report adopted.

HB 1541, requiring applicants for large groundwater withdrawal permits to comply with local ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: This bill requires that all local ordinances requirements be met before applying to the Department of Environmental Services (DES) for a large groundwater withdrawal permit. Testimony indicated that some committees presently require DES approval before final action at the local level. This bill was seen as complicating rather than simplifying the permitting process. Vote 13-3. Committee report adopted.

HB 1609-FN, requiring an impact study before a large groundwater withdrawal permit may be issued. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jacalyn L. Cilley for the Majority of Resources, Recreation and Development: The original bill intended to include impacts upon further water needs of municipalities as part of the large groundwater withdrawal permitting process. The committee determined that while the intent of the original bill was commendable it was best to require the Department of Environmental Services (DES) to develop a pilot program in order to establish the appropriate methodologies for estimating future water needs of communities as well as to identify key stakeholders to the process. DES will assume responsibility for the development of said pilot program as part of its ongoing work of inventorying water availability in a defined geopolitical area of the state. Vote 13-5.

Rep. John M. Gibson for the Minority of Resources, Recreation and Development: This legislation is not needed due to the fact the Department of Environmental Services (DES) is currently conducting a pilot program to devise methods of estimating water needs. This legislation is better suited to wait until the SB 155 groundwater study commission finishes its work and submits its report to the legislature this fall.

Majority Amendment (1046h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring a pilot project to estimate future water needs and availability.

Amend the bill by replacing all after the enacting clause with the following:

I Pilot Project; Future Water Needs and Availability; Progress Reports.

I. The department of environmental services shall conduct a pilot project to devise methods of estimating future water needs and water availability for a 10 year planning period within a defined geopolitical area of the seacoast area of New Hampshire. The project shall recommend methodologies for municipalities to use in the development of water management plans and to inform the department of environmental services in the large groundwater permitting process. The project shall include an analysis of all current water withdrawals, estimated available surface and groundwater, and estimates of future water needs of municipal water systems, residential, agricultural, commercial, and industrial water users within the study area. The department shall consult appropriate stakeholders within the pilot project area for assistance in designing and implementing the project. These stakeholders shall include, but not be limited to, the office of energy and planning, regional planning commissions, municipal authorities, applicable conservation commissions, and those associations representing agricultural, commercial, and industrial interests.

II. The department shall conduct the pilot project using existing resources and currently available information.

III. The department shall make regular progress reports as requested by the chairperson of the water resources committee, established in RSA 481:1-b, and the chairperson of the commission to study issues relative to groundwater withdrawals, established by 2003, 305 as extended by 2005, 287.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the department of environmental services to conduct a pilot project to devise methods of estimating future water needs and availability.

Majority committee amendment adopted.

Majority committee report adopted.

Ordered to third reading.

HB 1531, establishing a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill would establish a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program in New Hampshire. The initiative was started in New York state by Governor Pataki and is aimed at reducing carbon dioxide pollution through a mandatory cap on the electric generating sector, coupled with a market based trading program to hopefully achieve low compliance costs. Six (6) New England governors from New Jersey to Maine, including Governor Lynch, have signed a Memorandum of Understanding (MOU) and in doing so have made a commitment to bring the RGGI framework before the legislature. New Hampshire and Maine are unique in that legislative approval is required before any commitment is made. The next step in the process is development of a model rule by the regional group including members from the New Hampshire's Public Utilities Commission and the Department of Environmental Services. Once these model rules are adopted sometime this year, the state will examine the RGGI MOU and model rules and design a program that is in the best interests of New Hampshire. The majority of the committee feels strongly that the best way to proceed at this time is to allow the Department of Environmental Services, which has been involved with this process from the start, to work with the legislature, stakeholders and the electric industry to design an implementation program. The majority also concluded that a commission would complicate this process and is not needed for the state to proceed in the development of a program by the DES and recommendations for legislative approval to be acted on next year. This time frame is consistent with the outline in the MOU for our action and is consistent with projected action time frames in other New England states. Once legislation is proposed for next year the real debate will begin. Issues such as increased electric rates, possible increased pollution from regions outside of New England, business community impact and concerns that RGGI should be a national and not regional issue, will all be debated at length. Vote 9-7.

Rep. Jacqueline A. Cali-Pitts for the Minority of Science, Technology and Energy: The minority of the committee feels that the Regional Greenhouse Gas Initiative (RGGI) signed by seven north-east states including New Hampshire is worthy of study and that that study be placed in statute. RGGI is an agreement which strives to reduce carbon dioxide emissions from power plants through a market-based system. We feel that the implementation and the impact on New Hampshire are far too important to be left to being done without adequate resources and input from the legislature. The DES favors this bill which would better enable them to dedicate resources and time to this study. The bill sets up a commission, which would allow legislative input, and input from parties of interest before final approval of the plan in New Hampshire.

Rep. Cali-Pitts spoke against.

Rep. Maxfield spoke in favor and requested a roll call; sufficiently seconded.

YEAS 177 NAYS 128

YEAS 177

BELKNAP

Allen, Janet
Nedeau, Stephen
Tobin, William

Boyce, Laurie
Rosen, Ralph
Wendelboe, Fran

Fitzgerald, James
Russell, David
Whalley, Michael

Millham, Alida
Tilton, Franklin

CARROLL

Chandler, Gene
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Morrow, Harry

Knox, J David
Olimpio, J Lisbeth

Martin, James
Patten, Betsey

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Emerson, Susan

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Hunt, John

Sawyer, Sheldon

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Remick, William

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Ham, Bonnie

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Brundige, Robert

Buhlman, David

Calawa, Leon Jr

Carew, James

Carter, Mark

Christensen, D L Chris

Christiansen, Lars

Clark, Mark

Crane, Elenore Casey

Desmarais, Vivian

DeVries, Betsi

Dokmo, Cynthia

Drisko, Richard

Dyer, Donald

Elliott, Nancy

Francoeur, Bea

Gargas, Carolyn

Gibson, John

Golding, William

Goyette, Peter Jr

Graham, John

Hagan, Barbara

Hawkins, Ken

Hellwig, Steve

Holden, Randolph

Infantine, William

Jasper, Shawn

Kurk, Neal

L'Heureux, Robert

Lawrence, James

McRae, Karen

Mead, Robert

Messier, Irene

Mooney, Maureen

Moran, Edward

O'Brien, William

O'Connell, Timothy

Ober, Lynne

Pilotte, Maurice

Price, Pamela

Reeves, Sandra

Renzullo, Andrew

Rowe, Robert

Slocum, Lee

Souza, Kathleen

Ulery, Jordan

Vaillancourt, Steve

Villeneuve, Maurice

Wheeler, James

Wheeler, Robert

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Anderson, Eric

Currier, David

Danforth, James

Field, William

Klose, John

Langlais, Thomas

Lockwood, Priscilla

MacKay, James

Marple, Richard

Maxfield, Roy

Oliver, James

Soltani, Tony

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Allen, Mary

Bettencourt, David

Bicknell, Elbert

Bishop, Franklin

Buxton, Donald

Cady, Harriet

Camm, Kevin

Carson, Sharon

Charron, Gene

Coburn, James

Cooney, Richard

DiFruscia, Anthony

Donahue, Richard Ken

Dowd, John

Dumaine, Dudley

Fesh, Bob

Flanders, John Sr

Francoeur, Sheila

Garrity, James

Gilbert, Karl

Gould, Kenneth

Griffin, Mary

Hopfgarten, Paul

Hughes, Daniel

Introne, Robert

Itse, Daniel

Johnson, Robert

Katsakiores, George

Katsakiores, Phyllis

Langley, Jane

Lund, Howie

Major, Norman

McKinney, Betsy

McMahon, Charles

Morris, Richard

Nowe, Ronald

Packard, Sherman

Palazzo, Frank

Priestley, Anne

Quandt, Marshall Lee

Quandt, Matthew

Rausch, James

Robertson, Carl

Rolston, James

Sanders, Elisabeth

Scamman, Stella

Stiles, Nancy

Stone, Joseph

Waterhouse, Kevin

Weare, E Albert

Welch, David

Weldy, Norman

Wells, Roger

Weyler, Kenneth

Winchell, George

Zolla, William

STRAFFORD

Albert, Russell

Bickford, David

Brown, Julie

Campbell, W Packy

Cataldo, Sam

Chaplin, Duncan

Dunlap, Patricia

Easson, Timothy

Newton, Clifford

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 128**BELKNAP**

Morrison, Gail

Pilliod, James

CARROLL

Babson, David Jr

Bucu, Thomas

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Chase, William

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Merrick, Scott

GRAFTON

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

Williams, Burton

HILLSBOROUGH

Baroody, Benjamin

Beaulieu, Jane

Bergin, Peter

Brassard, Paul

Campbell, David

Chase, Claudia

Clemons, Jane

Cote, Peter

Egbers, Fran

Essex, David

Foster, Linda

Goley, Jeffrey

Gorman, Mary

Hall, Betty

Harvey, Suzanne

Irwin, Anne-Marie

Jean, Claudette

Kopka, Angeline

Lasky, Bette

Lessard, Rudy

Martin, Mary Ellen

Matarazzo, Anthony Sr

Movsesian, Lori

Pappas, Christopher

Rosenwald, Cindy

Ross, Lawrence

Ryder, Donald

Schulze, Joan

Shattuck, Gilman

Shaw, Barbara

Shaw, Kimberly

Smith, David

Sullivan, Francis

Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

DeJoie, John

DeStefano, Stephen

Foose, Robert

French, Barbara

Gile, Mary

Hamm, Christine

Kidder, David

Osborne, Jessie

Potter, Frances

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Tupper, Frank

Wallner, Mary Jane

Walz, Mary Beth

Whiting, Herbert

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Asselin, Michael

Bridle, Russell

Brown, C.

Cali-Pitts, Jacqueline

Flockhart, Eileen

Moody, Marcia

Pantelakos, Laura

Powers, James

Robinson, John

Serlin, Christopher

Splaine, James

STRAFFORD

Berube, Roger

Brown, Lawrence

Callaghan, Frank

Cilley, Jacalyn

Domingo, Baldwin

Grassie, Anne

Heon, Richard

Hofemann, Roland

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Knowles, William

Miller, Joseph

Rollo, Michael

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Taylor, Kathleen

Wall, Janet

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Houde-Quimby, Charlotte

Phinizy, James

Prichard, Stephen

and the majority committee report was adopted.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. James M. Garrity for the Majority of Science, Technology and Energy: This bill is a technical amendment and improvement to a bill signed into law by the Governor in June 2005. This bill allows small incumbent local exchange carriers (ILEC) to file and negotiate alternative regulation plans with the Public Utility Commission. Such plans will allow the small IL to more flexibly compete in the rapidly changing and aggressively competitive communications market. The results of alternate regulation plans should result in more customer choice. Vote 11-5.

Rep. Gene F. Andersen for the Minority of Science, Technology and Energy: The bill in its current form directs the Public Utility Commission to consider alternative forms of deregulation for basic telephone service provided by small incumbent telephone companies. The majority of the committee decided alternative plans for deregulation should be considered without defining competition, as they felt it is impossible to define what competition would be at any particular point in time when an alternative plan could be considered. Under this bill there is no assurance of meaningful competition or customer choice of telephone service providers. Under some scenarios it is possible that in the future the cost of basic service from small telephone companies could increase. Real competition to assure reasonable rates requires a level playing field for new providers. Neither competition nor affordable services are defined. Once rates are deregulated it will be very difficult at best to fix the problem.

Majority Amendment (0989h)

Amend RSA 374:3-b, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The plan provides for maximum ~~[basis]~~ *basic* local service rates at levels ~~[prevailing throughout the state as of the effective date of this section plus allowances for inflation and adjustments to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes; provided, that no small incumbent local exchange carrier may increase basic local service rates]~~ *that do not exceed the comparable rates charged by the largest incumbent local exchange carrier operating in the state and that do not increase by more than 10 percent [per year]* in each of the 4 years after a plan is approved *with the exception that the plan may provide for additional rate adjustments, with public utilities commission review and approval, to reflect changes in federal, state, or local government taxes, mandates, rules, regulations, or statutes;* Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James G. Rolston for Majority of State-Federal Relations and Veterans Affairs: The intent of this bill is to encourage Congress to propose to amend the constitution so that real property can not be seized by eminent domain except for public use. The majority of the committee felt that it was important to have a national agreement on preventing the taking of private property for private gain. Vote 6-5.

Rep. Kris E. Roberts for the Minority of State-Federal Relations and Veterans Affairs: The minority did not believe that any amendment to the constitution would be able to address every eminent domain issue that may present itself. Matter of fact, a Constitutional Amendment may restrict the state's ability to address important and necessary local concerns. It is firmly believed that the state has the responsibility to and can better address local eminent domain issues than the federal government.

Rep. Rolston spoke in favor and yielded to questions.

Rep. Giuda spoke against.

Rep. Soltani spoke in favor.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 164 NAYS 141

YEAS 164

BELKNAP

Allen, Janet
Pilliod, James
Tobin, William

Boyce, Laurie
Rosen, Ralph
Wendelboe, Fran

Fitzgerald, James
Russell, David
Whalley, Michael

Nedeau, Stephen
Tilton, Franklin

CARROLL

Babson, David Jr
McConkey, Mark

Chandler, Gene
Morrow, Harry

Dickinson, Howard
Patten, Betsey

Knox, J David
Stevens, Stanley

CHESHIRE

Emerson, Susan

Hunt, John

Sawyer, Sheldon

Weed, Charles

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
Mirski, Paul

Ham, Bonnie
Solomon, Peter

Ingbertson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Carew, James
Clark, Mark
Dyer, Donald
Goyette, Peter Jr
Hellwig, Steve
Lawrence, James
McRae, Karen
Moran, Edward
Price, Pamela
Rowe, Robert
Villeneuve, Maurice

Balboni, Michael
Brassard, Paul
Carter, Mark
Crane, Elenore Casey
Elliott, Nancy
Graham, John
Infantine, William
Lessard, Rudy
Mead, Robert
O'Brien, William
Reeves, Sandra
Slocum, Lee
Wheeler, James

Batula, Peter
Brundige, Robert
Christensen, D L Chris
Desmarais, Vivian
Francoeur, Bea
Hagan, Barbara
Kurk, Neal
Martin, Mary Ellen
Messier, Irene
O'Connell, Timothy
Renzullo, Andrew
Souza, Kathleen
Wheeler, Robert

Bergeron, Jean-Guy
Calawa, Leon Jr
Christiansen, Lars
Dokmo, Cynthia
Gibson, John
Hawkins, Ken
L'Heureux, Robert
Matarazzo, Anthony Sr
Mooney, Maureen
Ober, Lynne
Ross, Lawrence
Ulery, Jordan

MERRIMACK

Anderson, Eric
DeStefano, Stephen
MacKay, James

Blanchard, Elizabeth
Field, William
Maxfield, Roy

Currier, David
Klose, John
Soltani, Tony

Danforth, James
Langlais, Thomas
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Griffin, Mary
Itse, Daniel
Langley, Jane
McKinney, Betsy
Packard, Sherman
Quandt, Matthew
Scamman, Stella
Waterhouse, Kevin
Weyler, Kenneth

Bettencourt, David
Cady, Harriet
Coburn, James
Dowd, John
Francoeur, Sheila
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
McMahon, Charles
Palazzo, Frank
Rausch, James
Splaine, James
Weare, E Albert
Winchell, George

Bicknell, Elbert
Camm, Kevin
Cooney, Richard
Dumaine, Dudley
Garrrity, James
Hughes, Daniel
Katsakiores, George
Major, Norman
Morris, Richard
Priestley, Anne
Rolston, James
Stiles, Nancy
Welch, David
Zolla, William

Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Gilbert, Karl
Introne, Robert
Katsakiores, Phyllis
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Stone, Joseph
Wells, Roger

STRAFFORD

Bickford, David
Easson, Timothy

Campbell, W Packy
Hofemann, Roland

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan

SULLIVAN

Gale, Harry

Osgood, Philip Sr

Phinzy, James

NAYS 141 BELKNAP

Millham, Alida Morrison, Gail

CARROLL

Buco, Thomas Martin, James Olimpio, J Lisbeth

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Hogancamp, Deborah
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Tilton, Anna

COOS

Merrick, Scott Morneau, Renney

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Gionet, Edmond	Giuda, Robert	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Sorg, Gregory		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Buhlman, David
Campbell, David	Chase, Claudia	Clemons, Jane	Cote, Peter
DeVries, Betsi	Drisko, Richard	Egbers, Fran	Essex, David
Foster, Linda	Gargas, Carolyn	Golding, William	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Judy, Jean
Kopka, Angeline	Lasky, Bette	Movesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	

MERRIMACK

Bouchard, Candace	Brueggemann, Donald	Clarke, Claire	DeJoie, John
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kidder, David	Lockwood, Priscilla	Marple, Richard	Oliver, James
Osborne, Jessie	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Asselin, Michael	Bishop, Franklin	Brown, C.	Cali-Pitts, Jacqueline
Flockhart, Eileen	Gould, Kenneth	Moody, Marcia	Pantelakos, Laura
Powers, James	Robertson, Carl	Robinson, John	Serlin, Christopher

STRAFFORD

Berube, Roger	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Domingo, Baldwin	Dunlap, Patricia	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Prichard, Stephen

Rodeschin, Beverly
and the majority committee report was adopted.
Ordered to third reading.

HB 1243-FN, reducing certain fines for motor vehicle violations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: The bill was introduced primarily because the motor vehicles fines were increased last year without a public hearing. The sponsor indicated this sets a dangerous precedent. One member from the public felt the provision about coasting in the fine schedule is obsolete and should not be considered a violation. The fines had not been increased in over 15 years. A committee of 12 district judges from around the state considered the fine adjustments relative to harshness/leniency of the current motor vehicle fines; vis-à-vis other fines currently being levied. The judges also considered the fiscal impact any increases would have on the defendants they see appearing before them. The judge's recommendations were submitted to the Department of Safety, the New Hampshire Police Standards and Training Council, and the New Hampshire Police Chief's Association for review and input. The new schedule was also compared to the current fines in place for selected motor vehicle offenses in our neighboring states of Maine, Vermont and Massachusetts. The new fine schedule was agreed to by the committee of conference on the budget last June and passed by both Houses. This agreement came after many discussions with all parties associated with the funding from the penalty assessments on the fines. Most of the testimony taken was from the agencies that would benefit from the increased fines and associated penalty assessments (Police Standards and Training Fund, Victim's Assistance Fund and Legal Services Fund). They were concerned the increased revenues were not meeting the planned projections. The increased fine schedule was due to commence on July 1, 2005 but due to a delay in printing and distributing new tickets was not implemented until November. Fine revenues collected in January are on target. Vote 12-7.

Rep. John M. Pratt for the Minority of Ways and Means: This bill, as amended, would sunset the increase in motor vehicle fines which were imposed on the legislature last year by the Committee of Conference on the budget. These increases never had a public hearing; they were never reviewed by a competent committee of jurisdiction (either Criminal Justice or Transportation); and the House went so far as to refuse to let them in the first time they came before us. The minority believes that the one and only way to put a stop to this odious practice of backdoor, midnight tax increases is to sunset the increases and then let them go through proper legislative procedures with the proper public hearings and determination by the proper House committee.

Rep. Pratt spoke against.

Rep. Major spoke in favor.

Rep. Soltani spoke against and yielded to questions.

Reps. Jasper and Whalley spoke in favor and yielded to questions.

Rep. Maybeck requested a roll call; sufficiently seconded.

YEAS 107 NAYS 196**YEAS 107****BELKNAP**

Fitzgerald, James
Russell, David

Millham, Alida
Tobin, William

Morrison, Gail
Wendelboe, Fran

Pilliod, James
Whalley, Michael

CARROLL

Babson, David Jr
Morrow, Harry

Chandler, Gene
Patten, Betsey

Dickinson, Howard
Stevens, Stanley

Martin, James

CHESHIRE

Butynski, William
Hunt, John

Emerson, Susan
Mitchell, Bonnie

Espiefs, Peter
Sawyer, Sheldon

Hogancamp, Deborah

COOS

King, Frederick
Stohl, Eric

Lary, Bruce
Tholl, John Jr

Remick, William

Richardson, Herbert

GRAFTON

Almy, Susan
Nordgren, Sharon

Benn, Bernard
Sokol, Hilda

Eaton, Stephanie
Sorg, Gregory

McLeod, Martha

HILLSBOROUGH

Batula, Peter
Desmarais, Vivian
Essex, David
Hawkins, Ken
Lessard, Rudy
Pappas, Christopher
Ryder, Donald

Bergin, Peter
Dokmo, Cynthia
Gargas, Carolyn
Jasper, Shawn
Moran, Edward
Pilotte, Maurice
Wheeler, Robert

Brundige, Robert
Drisko, Richard
Golding, William
Kurk, Neal
O'Connell, Timothy
Price, Pamela

Christensen, D L Chris
Dyer, Donald
Graham, John
L'Heureux, Robert
Ober, Lynne
Reeves, Sandra

MERRIMACK

Anderson, Eric
Lockwood, Priscilla
Tilton, Joy

Currier, David
MacKay, James
Wallner, Mary Jane

Kidder, David
Maxfield, Roy
Whiting, Herbert

Klose, John
Osborne, Jessie

ROCKINGHAM

Asselin, Michael
Charron, Gene
Francoeur, Sheila
Introne, Robert
Major, Norman
Priestley, Anne
Scamman, W Douglas

Bridle, Russell
Cooney, Richard
Garrity, James
Johnson, Robert
Mason, April
Rausch, James
Stone, Joseph

Brown, C.
Dowd, John
Gould, Kenneth
Katsakiores, George
McKinney, Betsy
Sanders, Elisabeth
Waterhouse, Kevin

Camm, Kevin
Flanders, John Sr
Griffin, Mary
Katsakiores, Phyllis
Nowe, Ronald
Scamman, Stella
Weare, E Albert

STRAFFORD

Brown, Julie
Taylor, Kathleen

Chaplin, Duncan

Dunlap, Patricia

Kaen, Naida

SULLIVAN

Gale, Harry

Rodeschin, Beverly

NAYS 196**BELKNAP**

Allen, Janet
Tilton, Franklin

Boyce, Laurie

Nedeau, Stephen

Rosen, Ralph

CARROLL

Buco, Thomas

Knox, J David

McConkey, Mark

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Eaton, Daniel
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Parkhurst, Henry
Roberts, Kris

Chase, William
Plika, Stanley Jr
Robertson, Timothy

Dunn, J Timothy
Pratt, John
Tilton, Anna

COOS

Merrick, Scott

Morneau, Renney

GRAFTON

Andersen, Gene
Giuda, Robert
Ingbertson, Paul
Solomon, Peter

Bleyler, Ruth
Ham, Bonnie
Maybeck, Margie
Williams, Burton

Cooney, Mary
Hammond, Lee
Mirski, Paul

Gionet, Edmond
Harding, A Laurie
Mulholland, Catherine

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Calawa, Leon Jr
Chase, Claudia
Cote, Peter
Elliott, Nancy
Gorman, Mary
Harvey, Suzanne

Balboni, Michael
Boehm, Ralph
Campbell, David
Christiansen, Lars
Crane, Elenore Casey
Foster, Linda
Goyette, Peter Jr
Hellwig, Steve

Baroody, Benjamin
Brassard, Paul
Carew, James
Clark, Mark
DeVries, Betsi
Francoeur, Bea
Hagan, Barbara
Holden, Randolph

Beaulieu, Jane
Buhlman, David
Carter, Mark
Clemons, Jane
Egbers, Fran
Gibson, John
Hall, Betty
Infantine, William

Irwin, Anne-Marie
Lasky, Bette
McRae, Karen
O'Brien, William
Schulze, Joan
Slocum, Lee
Sullivan, Peter
Wheeler, James

Jean, Claudette
Lawrence, James
Mead, Robert
Renzullo, Andrew
Shattuck, Gilman
Smith, David
Ulery, Jordan

Judy, Jean
Martin, Mary Ellen
Messier, Irene
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Vaillancourt, Steve

Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Rowe, Robert
Shaw, Kimberly
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth
Danforth, James
Foose, Robert
Kennedy, Richard
Potter, Frances
Soltani, Tony
Yeaton, Charles

Bouchard, Candace
DeJoie, John
French, Barbara
Langlais, Thomas
Rush, Deanna
Tupper, Frank

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Marple, Richard
Ryan, Jim
Walz, Mary Beth

Clarke, Claire
Field, William
Hamm, Christine
Oliver, James
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Allen, Mary
Buxton, Donald
Coburn, James
Fesh, Bob
Hughes, Daniel
McMahon, Charles
Palazzo, Frank
Quandt, Matthew
Serlin, Christopher
Wells, Roger

Bettencourt, David
Cady, Harriet
DiFruscia, Anthony
Flockhart, Eileen
Itse, Daniel
Moody, Marcia
Pantelakos, Laura
Robertson, Carl
Splaine, James
Winchell, George

Bicknell, Elbert
Cali-Pitts, Jacqueline
Donahue, Richard Ken
Gilbert, Karl
Langley, Jane
Morris, Richard
Powers, James
Robinson, John
Stiles, Nancy
Zolla, William

Bishop, Franklin
Carson, Sharon
Dumaine, Dudley
Hopfgarten, Paul
Lund, Howie
Packard, Sherman
Quandt, Marshall Lee
Rolston, James
Welch, David

STRAFFORD

Berube, Roger
Campbell, W Packy
Easson, Timothy
Johnson, Nancy
Newton, Clifford
Smith, Marjorie

Bickford, David
Cataldo, Sam
Grassie, Anne
Keans, Sandra
Rollo, Michael
Spang, Judith

Brown, Lawrence
Cilley, Jacalyn
Heon, Richard
Knowles, William
Rous, Emma
Wall, Janet

Callaghan, Frank
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Schmidt, Peter

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Irish, Christopher

Ferland, Brenda
Osgood, Philip Sr

and the majority committee report failed.

Rep. Pratt moved Ought to Pass and offered floor amendment (0392h).

Minority Amendment (0392h)

Amend the bill by replacing all after section 28 with the following:

29 Penalty Assessment; Deposit of Funds. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraphs I-III to the state treasurer for deposit in the following funds. The state treasurer shall deposit [65] 75 percent of the amount collected in the police standards and training council training fund [-20] and 25 percent of the amount collected in the victims' assistance fund [-and the remainder in the general fund].

30 Effective Date. This act shall take effect July 1, 2007.

Rep. Pratt spoke in favor and yielded to questions.

Rep. Mirski spoke in favor.

Minority committee amendment (0392h) adopted.

Minority committee report adopted.

Ordered to third reading.

HB 1329-FN-A-L, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Ryan for the Majority of Ways and Means: This bill seeks to repeal a certain provision of the Rooms and Meals Tax. Specifically, the sponsors argue that allowing business entities to collect the tax and retain 3 percent of the remittance is unfair when compared with other business entities that collect tax revenue. The sponsors urge that the tax remain, but that the collection percentage allocated to the small businesses that collect the tax be repealed. Repeal of the tax would, according to figures supplied by the DRA, yield additional state revenues of over \$11 million in each biennium. The 3 percent collection practice has existed in New Hampshire statutes for several decades and is a functional and predictable part of business practice and cycle within the hospitality industry. Most importantly, and critical to the committee's action, is that the ability of a business to secure the 3 percent collection fee is expressly linked to timely reporting and submission to the DRA. Businesses who do not report or remit that tax in a timely fashion DO NOT receive the collection amount. The timely recording, reporting and remittance of the tax by the industry of room and meal tax revenue – the second largest source of state revenue – is of critical importance to revenue streams. The public/private means of collection – carefully monitored by the DRA – is a vital part of cash flow to fund the services and obligations of the state. The thrust of the sponsor's claim at the hearing appeared to be that involved businesses received the 3 percent without having to undertake any work. This is not the case. To receive the collection amount, as noted above, the business must file reports by the 15th day of the month after the revenue is received. Failure to do so within the time limits that are strictly enforced means the business does not receive the collection amount. The small businesses that provide hospitality are the gatekeepers to our tourism industry. The practices within the statute should be sustained and this bill is, accordingly, recommended as Inexpedient to Legislate. Vote 15-6.

Rep. Steve Vaillancourt for the Minority of Ways and Means: This bill, as introduced, would have repealed the three percent "commission" restaurants and hotels are allowed to keep for collecting and sending in the eight percent rooms and meals tax. As amended, the bill would continue to allow the three percent but would cap the amount any particular business may retain at \$100 a month (or \$1200 a year for those operating year-round). With the rooms and meals tax generating approximately \$200 million a year, the commission could amount to \$6 million a year. For various reasons, that amount is actually \$5.5 million. The bill was introduced as a result of another bill which came to Ways and Means last year, one which would have reinstated a commission to cigarette wholesalers for applying a tax stamp to cigarette packages. That "commission" had been removed the previous session when a committee of conference discovered it as a source of \$2 million to help balance the state budget. Several members of Ways and Means, noting that more work is involved in actually affixing tax stamps to packages than to simply have a computer calculate the rooms and meals tax, believed this was a classic case of unfairness. Since the legislature voted not to allow a "commission" for the stamping, the minority believes that simple equity requires that no "commissions" be granted at all. A subcommittee formed to study this matter worked long and hard to craft a compromise amendment which passed by an overwhelming and bipartisan vote of 6-1. Those who knew the data most intimately, in other words, were behind the amendment which was crafted, according to the data provided by the Department of Revenue Administration, so that 5277 businesses would not have lost a single penny. 998 businesses would have been affected. The minority understands that approximately the same amount of work is required to generate a \$100 or \$1000 or a \$10,000 or even a \$75,000 commission. Not only do businesses receive the commission, they are also allowed the "float" (money banked each month before the tax is due) on the entire rooms and meals tax collected, a "float" of approximately \$31 million for that small number of business which keeps the \$75,000. The average commission is in fact \$877 a year, so the average establishment would not be "hurt" by this amendment. However, the state would keep \$3.124 million of the monies it now rebates in commissions. While this revenue would be important to state coffers, the minority believes the issue is one of fairness first and foremost. Most other states do not have a separate rooms and meals tax but catch such transactions as part of their sales taxes. Approximately half the states allow businesses to retain a portion of sales taxes collected, but not only is the percentage less than our three percent but in virtually all cases, it is capped at a smaller amount than \$100 a month, a recognition that even while some cost is incurred in collecting this tax, it is a limited cost. No other New England state allows any commission at all. New York State caps it

at \$150 a quarter, Florida at \$30 a month, far less generous than in the amendment crafted by the subcommittee. The minority was also guided by the knowledge that with the exception of the real estate transfer tax, a portion of which is shared with collecting counties, no other tax in the state is subject to a commission, not the Communications tax which telephone companies collect from customers and pass along to the state; not the gasoline tax; not the electric tax. None. Keep in mind, this rooms and meals tax, like those other taxes, is paid by the general public, not by business. What's fair for one industry should be fair for others. Those cigarette stamp affixers are doing far more work than restaurants and hotels, yet they are reimbursed zero for the service they provide the state. Another amendment in Ways and Means is available as a floor amendment. It would allow a penny a pack to the stamp affixers, at a cost of \$2 million. The state would still come out ahead by more than a million, and we would benefit from the moral advantage of equity as well. Opponents of the amendment take an "if it ain't broke, don't fix it" approach. The minority counters that if that is true, there would be no need for a legislature at all, since much of what we do here is to "fix" things. In the case of the rooms and meals tax, the three percent commission was in effect when the tax was six percent. When it went up to eight percent, no greater effort was required to collect it, but the businesses received a 33 percent increase. The fix should have been to lower the "commission" at the time, if in fact it was ever appropriate. This fix is clearly needed, and it is not geared at hurting any one group or industry but rather at instilling confidence that everyone who pays a tax will be treated fairly in the State of New Hampshire.

Reps. Osgood, Vaillancourt and Jasper spoke against.

Rep. Ryan spoke in favor.

Rep. Bickford spoke against and yielded to questions.

Rep. Major requested a roll call; sufficiently seconded.

YEAS 231 NAYS 53

YEAS 231

BELKNAP

Allen, Janet
Nedeau, Stephen
Tobin, William

Boyce, Laurie
Pilliod, James
Wendelboe, Fran

Fitzgerald, James
Rosen, Ralph
Whalley, Michael

Millham, Alida
Russell, David

CARROLL

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsy

Chandler, Gene
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Morrow, Harry

CHESHIRE

Eaton, Daniel
Hunt, John
Roberts, Kris

Emerson, Susan
Mitchell, Bonnie
Robertson, Timothy

Espies, Peter
Plifka, Stanley Jr
Sawyer, Sheldon

Hogancamp, Deborah
Richardson, Barbara
Tilton, Anna

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Almy, Susan
Gionet, Edmond
Ingbreton, Paul
Mulholland, Catherine
Sorg, Gregory

Benn, Bernard
Giuda, Robert
Maybeck, Margie
Nordgren, Sharon
Williams, Burton

Cooney, Mary
Ham, Bonnie
McLeod, Martha
Sokol, Hilda

Eaton, Stephanie
Harding, A Laurie
Mirski, Paul
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Beaulieu, Jane
Brassard, Paul

Balboni, Michael
Bergeron, Jean-Guy
Brundige, Robert

Baroody, Benjamin
Bergin, Peter
Calawa, Leon Jr

Batula, Peter
Boehm, Ralph
Campbell, David

Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Clemons, Jane	Crane, Elenore Casey	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Egbers, Fran	Elliott, Nancy	Foster, Linda	Gargas, Carolyn
Gibson, John	Goyette, Peter Jr	Graham, John	Hall, Betty
Hawkins, Ken	Hellwig, Steve	Holden, Randolph	Infantine, William
Jasper, Shawn	Jeudy, Jean	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lessard, Rudy	McRae, Karen
Messier, Irene	Moran, Edward	Movesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Slocum, Lee	Smith, David	Souza, Kathleen	Sullivan, Francis
Sullivan, Peter	Villeneuve, Maurice	Wheeler, James	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Danforth, James	DeJoie, John
DeStefano, Stephen	Field, William	Gile, Mary	Kidder, David
Klose, John	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Osborne, Jessie	Potter, Frances
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Soltani, Tony
Wallner, Mary Jane	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Allen, Mary	Asselin, Michael	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Bridle, Russell	Brown, C.	Buxton, Donald
Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moody, Marcia	Morris, Richard
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Rausch, James	Robertson, Carl
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weyler, Kenneth	Winchell, George
Zolla, William			

STRAFFORD

Berube, Roger	Brown, Julie	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Cilley, Jacalyn	Dunlap, Patricia
Easson, Timothy	Heon, Richard	Kaen, Naida	Keans, Sandra
Newton, Clifford	Rollo, Michael	Schmidt, Peter	Smith, Marjorie
Taylor, Kathleen			

SULLIVAN

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Gale, Harry
Houde-Quimby, Charlotte	Prichard, Stephen	Rodeschin, Beverly	

NAYS 53**BELKNAP**

Morrison, Gail	Tilton, Franklin
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CARROLL

None

CHESHIRE

Butcher, Suzanne

Butynski, William

Dunn, J Timothy

Parkhurst, Henry

COOS

Merrick, Scott

GRAFTON

Andersen, Gene

Hammond, Lee

HILLSBOROUGH

Buhlman, David
 Golding, William
 Lawrence, James
 Pilotte, Maurice
 Shaw, Kimberly

Chase, Claudia
 Gorman, Mary
 Martin, Mary Ellen
 Schulze, Joan
 Ulery, Jordan

Essex, David
 Harvey, Suzanne
 Matarazzo, Anthony Sr
 Shattuck, Gilman
 Vaillancourt, Steve

Francoeur, Bea
 Irwin, Anne-Marie
 Mead, Robert
 Shaw, Barbara

MERRIMACK

Blanchard, Elizabeth
 Kennedy, Richard

Foose, Robert
 Tilton, Joy

French, Barbara
 Tupper, Frank

Hamm, Christine

ROCKINGHAM

Itse, Daniel
 Wells, Roger

Pantelakos, Laura

Powers, James

Robinson, John

STRAFFORD

Bickford, David
 Johnson, Nancy

Brown, Lawrence
 Rous, Emma

Grassie, Anne
 Spang, Judith

Hofemann, Roland
 Wall, Janet

SULLIVAN

Converse, Larry
 Phinzy, James

Franklin, Peter

Irish, Christopher

Osgood, Philip Sr

and the majority committee report was adopted.

Reps. Brueggemann and Pappas declared a conflict of interest and did not participate.

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Priscilla P. Lockwood for the Majority of Ways and Means: This bill would remove the race track lottery purse. At the present time, monies are given from the lottery income to subsidize a race at Rockingham and the dog tracks. The income from these races to the education fund has decreased over the years. However, the tracks do contribute to the local economy and removing this subsidy would have a deleterious effect on the racing business and the communities they are in. Vote 14-6.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: This bill seeks to repeal a subsidy that has, according to compelling testimony, existed since 1963 with the advent of the New Hampshire Sweepstakes. Simply stated, the state provides several pari-mutuel tracks with an annual aggregate grant of \$325,000 for use by the tracks in creating purses for horse and dog races. The money comes from lottery sales at the tracks. Industry claims that the practice of funding purses has been a commitment on the part of the state for years and that it has been relied upon by the industry. Opponents of the subsidy argue that Art. 6-b, Part I of the New Hampshire Constitution clearly requires all monies from the state lottery to be used exclusively for the school districts of the state, and there is no justification to make a direct grant to a particular industry. The minority did not support the view urged upon us by the racing industry that a subsidy to support racing purses was to cover "administrative" expenses exempted from the will of the people, as expressed in the constitution, that lottery money be dedicated to public education. It is clear that, after 1990, the General Court and the citizens of the state created a greater interest in funding public education from the lottery. Since the constitution is supposed to trump legislation, the minority felt that this was a good opportunity to bring the statute in line with the constitution.

Reps. Almy, Vaillancourt and Mirski spoke against.

Rep. Lockwood spoke in favor.

Rep. Nancy Elliott requested a roll call: sufficiently seconded.

YEAS 129 NAYS 151**YEAS 129****BELKNAP**

Allen, Janet
Russell, David

Fitzgerald, James
Wendelboe, Fran

Millham, Alida
Whalley, Michael

Pilliod, James

CARROLL

Babson, David Jr
Stevens, Stanley

Chandler, Gene

Dickinson, Howard

Patten, Betsey

CHESHIRE

Butynski, William
Hunt, John

Eaton, Daniel
Plifka, Stanley Jr

Emerson, Susan
Roberts, Kris

Hogancamp, Deborah
Tilton, Anna

COOS

King, Frederick

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Eaton, Stephanie
Solomon, Peter

Giuda, Robert
Sorg, Gregory

McLeod, Martha

Mulholland, Catherine

HILLSBOROUGH

Baroody, Benjamin
Brassard, Paul
Clemons, Jane
Dyer, Donald
Graham, John
Jeudy, Jean
Lessard, Rudy
Pappas, Christopher
Shaw, Barbara

Batula, Peter
Brundige, Robert
Desmarais, Vivian
Foster, Linda
Hawkins, Ken
Kopka, Angeline
McRae, Karen
Price, Pamela
Smith, David

Beaulieu, Jane
Calawa, Leon Jr
Dokmo, Cynthia
Francoeur, Bea
Irwin, Anne-Marie
L'Heureux, Robert
Moran, Edward
Ryder, Donald
Sullivan, Francis

Bergin, Peter
Campbell, David
Drisko, Richard
Gargas, Carolyn
Jasper, Shawn
Lasky, Bette
O'Connell, Timothy
Schulze, Joan

MERRIMACK

Bouchard, Candace
Kidder, David
Oliver, James
Whiting, Herbert

Currier, David
Klose, John
Osborne, Jessie
Williams, Robert

Danforth, James
Lockwood, Priscilla
Rush, Deanna

DeJoie, John
MacKay, James
Tilton, Joy

ROCKINGHAM

Asselin, Michael
Carson, Sharon
DiFruscia, Anthony
Francoeur, Sheila
Katsakiores, Phyllis
McMahon, Charles
Rausch, James
Scamman, Stella
Wells, Roger

Bridle, Russell
Charron, Gene
Dowd, John
Gould, Kenneth
Major, Norman
Packard, Sherman
Robertson, Carl
Splaine, James
Weyler, Kenneth

Buxton, Donald
Coburn, James
Fesh, Bob
Griffin, Mary
Mason, April
Pantelakos, Laura
Rolston, James
Stone, Joseph
Winchell, George

Camm, Kevin
Cooney, Richard
Flanders, John Sr
Katsakiores, George
McKinney, Betsy
Priestley, Anne
Sanders, Elisabeth
Waterhouse, Kevin
Zolla, William

STRAFFORD

Berube, Roger
Chaplin, Duncan
Keans, Sandra

Brown, Julie
Cilley, Jacalyn
Rollo, Michael

Callaghan, Frank
Dunlap, Patricia
Spang, Judith

Campbell, W Packy
Kaen, Naida

SULLIVAN

Ferland, Brenda

Gale, Harry

Rodeschin, Beverly

NAYS 151**BELKNAP**

Boyce, Laurie	Morrison, Gail	Nedeau, Stephen	Rosen, Ralph
Tilton, Franklin	Tobin, William		

CARROLL

Buco, Thomas	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Olimpio, J Lisbeth		

CHESHIRE

Butcher, Suzanne	Dunn, J Timothy	Espiefs, Peter	Parkhurst, Henry
Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon	

COOS

Morneau, Renney	Remick, William
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GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Cooney, Mary
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Harding, A Laurie
Ingbretson, Paul	Maybeck, Margie	Mirski, Paul	Nordgren, Sharon
Sokol, Hilda	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Bergeron, Jean-Guy	Boehm, Ralph
Buhlman, David	Carew, James	Carter, Mark	Chase, Claudia
Christiansen, Lars	Clark, Mark	Crane, Elenore Casey	Egbers, Fran
Elliott, Nancy	Essex, David	Gibson, John	Golding, William
Gorman, Mary	Goyette, Peter Jr	Hagan, Barbara	Hall, Betty
Harvey, Suzanne	Hellwig, Steve	Holden, Randolph	Infantine, William
Kurk, Neal	Lawrence, James	Martin, Mary Ellen	Matarazzo, Anthony Sr
Mead, Robert	Messier, Irene	Movesian, Lori	O'Brien, William
Ober, Lynne	Pilotte, Maurice	Reeves, Sandra	Renzullo, Andrew
Rosenwald, Cindy	Rowe, Robert	Shattuck, Gilman	Shaw, Kimberly
Slocum, Lee	Souza, Kathleen	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Brueggemann, Donald	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kennedy, Richard	Marple, Richard	Potter, Frances
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tupper, Frank
Wallner, Mary Jane	Yeaton, Charles		

ROCKINGHAM

Allen, Mary	Bettencourt, David	Bicknell, Elbert	Brown, C.
Cady, Harriet	Cali-Pitts, Jacqueline	Donahue, Richard Ken	Dumaine, Dudley
Flockhart, Eileen	Garrity, James	Gilbert, Karl	Hopfgarten, Paul
Hughes, Daniel	Introne, Robert	Itse, Daniel	Johnson, Robert
Lund, Howie	Moody, Marcia	Morris, Richard	Nowe, Ronald
Palazzo, Frank	Powers, James	Quandt, Marshall Lee	Quandt, Matthew
Robinson, John	Serlin, Christopher	Stiles, Nancy	Weare, E Albert
Welch, David			

STRAFFORD

Bickford, David	Brown, Lawrence	Cataldo, Sam	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Newton, Clifford
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Franklin, Peter

Houde-Quimby, Charlotte

Irish, Christopher

Osgood, Philip Sr

Phinizy, James

Prichard, Stephen

and the majority committee report failed.

Rep. Almy moved Ought to Pass and offered minority committee amendment (0605h).

Minority Amendment (0605h)

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect July 1, 2007.

Rep. Mirski spoke in favor.

Minority committee amendment (0605h) adopted.

Minority committee report adopted.

Ordered to third reading.

MOTION TO RECONSIDER

Having voted with the prevailing side, Rep. Vaillancourt moved that the House reconsider its action whereby it ordered to third reading, **HB 1612-FN**, relative to the use of lottery revenue as purses for horse and dog racing, and reconsideration failed.

SPECIAL ORDERS – REGULAR CALENDAR (CONT'D.)

HB 1295, requiring disclosure regarding brake shift interlock by automobile dealers. **REFER FOR INTERIM STUDY.**

Rep. Sheila T. Francoeur for Commerce: The bill would require automobile dealers to disclose to the purchaser of a vehicle if the vehicle has a brake shift interlock. The committee has great concern for the reasons the sponsor filed this bill, and want to help him accomplish his goal, but at the same time had concern for the New Hampshire auto dealers incurring or perceiving to incur, a liability that was not theirs. The committee has moved interim study knowing that the sponsor and the NH auto dealers are working together on an agreement that would address the concerns of both parties and can be offered as a floor amendment to this bill. Vote 18-0.

Rep. Sheila Francoeur spoke against.

Committee report failed.

Rep. Sheila Francoeur moved Ought to Pass and offered floor amendment (1221h).

Floor Amendment (1221h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Equipment on Vehicles; Notification of Brake Shift Interlock and Key Positions.

Amend RSA 266 by inserting after section 27-a the following new section:

266:27-b Notification of Brake Shift Interlock and Key Position by Automobile Dealers. At the time of the retail sale of every new and used motor vehicle in this state, all motor vehicle dealers shall provide a copy of the following notice to be signed by the consumer:

Important Safety Factors Regarding Automatic Transmissions and Key Positions

1. Most newer model motor vehicles with automatic transmissions are engineered with a "brake shift interlock" system as a safety mechanism, which prevents movement from the "park" position unless the brake is applied.

2. Some vehicles are engineered whereby the vehicle may be shifted from "park" to "neutral" in a "key" position before the engine has been started which may cause the vehicle to roll. Your vehicle may not contain roll prevention safety in all key positions.

3. Consumers should become familiar with the specific characteristics of their vehicles in all "key" positions.

4. It is strongly recommended that the "parking" brake be engaged when the vehicle is parked on a grade.

2 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill requires motor vehicle dealers to provide consumers with a written notice regarding the operation of a brake shift interlock systems and key positions.

Rep. Sheila Francoeur spoke in favor.

Floor amendment (1221h) adopted.

The motion of Ought to Pass as amended adopted.

Ordered to third reading.

MOTION TO SPECIAL ORDER

Without objection, the Speaker ordered the remaining bills from the Regular Calendar of March 9, 2006 be made Special Orders for Tuesday, March 21, 2006 at 10:00 a.m.

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, March 21, 2006, at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

HB 1711-FN, relative to the regulation of fuel gas fitters.

HB 1768-FN, establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the Supreme Court.

HB 1426, granting a right-of-way over state-owned land.

HB 1168, establishing a commission to determine how to optimize boating safety on water bodies.

HB 1324, relative to the commission to study the state park system.

HB 1609-FN, requiring a pilot project to estimate future water needs and availability.

HB 1756, relative to alternative regulation of small incumbent local exchange carriers.

HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain.

HB 1243-FN, reducing certain fines for motor vehicle violations.

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing.

HB 1295, requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers.

UNANIMOUS CONSENT

Reps. W. Packy Campbell, Daniel Eaton, Bicknell and Kennedy addressed the House.

MOTION TO PRINT REMARKS

Rep. Sheila Francoeur moved that the remarks of Rep. W. Packy Campbell be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. W. Packy Campbell: Mr. Speaker, I would just like to come down and personally thank all the members of the Commerce Committee, especially the good Chairman or Chairlady, as the case may be. I'd like to thank the members of the Automobile Dealers Association that put aside some real liability concerns and put ahead of the concerns of their members, the importance of letting people know the dangers that are hidden in our vehicles today. I think it was important to send a message to the automobile manufacturers that it is not OK in New Hampshire to sell a product that has a defect and that has a design flaw that has a safety feature that doesn't work and not tell consumers.

It was very important what we did today and it will make a difference as we move forward. Today, Senator Clinton and Senator Sununu met in a joint news conference in Washington, DC, along with Senator Gregg, and showed the entire New Hampshire delegation was working a mandate that brake shift interlock will work in all key positions for all cars. This was something that in 1992 was passed as a federal law. Automobile manufacturers failed to upgrade their shift columns on super duties, on Econolines, Rangers, sport utility vehicles, and these manufacturers failed to tell consumers. In my case, a 2002 vehicle which was equipped with brake shift interlock, rolled ... when the way it was sold, and the way it was perpetuated to work, and even the owner's manual said that couldn't happen. What really made me angry as I went on in my research in 2004, you know what they did? They changed the owner's manual to disclose that it may roll in certain key positions. The vehicle I bought in 2002 didn't have such a disclosure. Had that automobile manufacturer thought it prudent to inform the consumers who bought the vehicle in 2002, my son may still be alive. This is by far the most important issue that I will ever take up as a public servant. This is by far, the symbol of why I love to be here. Why I love this body and why I love this state. You are my colleagues, and I thank each and every one of you for passing this bill today.

RECESS MOTION

Rep. Weyler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 6:05 p.m.

RECESS

(Rep. Danforth in the Chair)

SENATE MESSAGES

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission.

CONCURRENCE

HB 380, relative to absentee voting.

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

HB 1115, relative to the definition of resident for purposes of fish and game laws.

HB 1119, relative to naming the Richard Monahan Bridge in the town of Carroll.

HB 1283, relative to sheep and goat identification requirements.

HB 1296, relative to the voluntary scrapie flock certification program.

HB 1468-FN-L, relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.

HB 1605-FN, relative to transfers from prepaid fish and game license fund.

HB 1658, relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.

HB 1659, relative to the use of certain small caliber firearms in taking wildlife.

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Tuesday, March 21, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

O Holy Presence, ground of our being, comforter of our wounds, source of everything in us and around us that is free, that is joy, that is just; we gather together this morning with some special people in our thoughts, and we offer their care up to You at the outset of this day. Be with Karen Wadsworth as she recuperates from surgery. Be with Robert Barker who is struggling mightily with cancer, giving comfort and strength we pray to him, to his daughter, Crystal and their whole family. Be with any here today who has recently lost someone, who is suffering in body, in mind or in spirit. Grant to them a springtime renewal of hope and courage. Be with the homeless, the hungry, the displaced and the poor of this state as they struggle each day simply to make it through until tomorrow.

And be with us today as we debate several issues which are close to our hearts and consciences. In our work here, help us, we ask, always to seek to elevate the condition and the well-being of all those who live in this state, but especially those who are most prone to being marginalized. Open us to endless possibilities, free us from all prejudice, and make us, we pray, truly servants of Your grace and Your love. All this we ask in Your Holy Name. Amen.

Rep. Tim O'Connell, member from Milford, led the Pledge of Allegiance.

The National Anthem was sung by Mrs. Meegan Gagnon from Manchester.

LEAVES OF ABSENCE

Reps. Barker, Carlson, Chabot, Clemons, Gibson, Hunter, Kobel, Lefebvre, Maybeck, Messier, Putnam and Snyder, the day, illness.

Reps. Aguiar, Ahlgren, Bridle, Danforth, Dexter, Donahue, Giuda, Gonzalez, Langley, Moore, Norelli, Reed, Stella Scamman, Katherine Taylor, Twombly and Wiley, the day, important business.

Reps. MaryAnn Blanchard, Naro and Shaw, the day, illness in the family.

INTRODUCTION OF GUESTS

Steve Pauwels, guest of Rep. Mark Clark. Deborah and Ian Paul Donahue and Heather Bopp, sister, nephew and guest of Rep. Irish. Lin Wierwille, guest of Rep. Nordgren. Mrs. Eva Loudon, grandmother of Rep. Hansen. Suzie Harding and Sara Mason, mother and daughter of Rep. Harding. Christina Schmidt, guest of Reps. Hagan and Souza. Michael Buchan, guest of Rep. Hammond. Peter Glenshaw, guest of Rep. Bleyler. Staff Sergeant George Sprague, Iraq war veteran, guest of Reps. Shattuck and Essex. Nathan Gagnon, husband of today's singer, guest of the House.

Hillary Bailey, a ninth grade student from Merrimack Valley High School, Page for the Day.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Weyler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal Kurk for Finance: This bill is the first step in revising the state's welfare program (Transitional Assistance to Needy Families, or TANF) to comply with the changes to the program mandated by Congress last month. These changes include increasing TANF recipients' participation in the work force to 50% or face significant financial penalties, starting in October of this year. Federal rules implementing the program have yet to be written. The bill, as introduced, was

a study committee. Just before reporting deadlines, the Department of Health and Human Services (HHS) proposed an amendment to the Health, Human Services and Elderly Affairs Committee which, under time pressure, adopted it without referral to a subcommittee or any in-depth examination. The bill passed the House and was referred to Finance. Finance determined that the amendment contained significant policy decisions that had not received a public hearing or policy committee consideration. It also determined that many other policy decisions were to be made through the rules process and not through the legislative process. Furthermore, it was unable to determine the fiscal impact of the amendment. As a result, Finance amended the bill to take out the policy and rules issues, retaining only those changes in state statute that were mandated by Congress. The bill is thus "policy neutral". The committee understands that HHS will be proposing a significantly different amendment in the Senate. Commissioner Stephen stated that he will also present the amendment to the policy and Finance committees so that the amendment can be studied and policy decisions and financial consequences determined. This will put the House in the best possible position in the inevitable committee of conference to revise the TANF program in ways that reflect its position. Vote 19-0.

Amendment (1336h)

Amend the bill by replacing all after the enacting clause with the following:

I New Hampshire Employment Program and Family Assistance Program; Statement of Purpose. Amend RSA 167:77 to read as follows:

167:77 Statement of Purpose.

I. The purpose of this subdivision is to reform welfare through the vehicle made available by the federal government [~~whether through block grants or by a federal waiver. If a waiver is necessary, it is the intent of the general court that the commissioner of the department of health and human services request such a waiver so that this subdivision may be implemented~~]. To the extent permitted by federal law, it is the intent of the general court to [~~replace the aid to families with dependent children program with~~] *operate the Temporary Assistance to Needy Families (TANF) program through 2 subprograms:*

(a) The New Hampshire employment program which shall provide financial assistance for families with dependent children when the children are cared for by a parent or relative who is receiving assistance and is considered to be able-bodied for employment.

(b) The family assistance program which shall provide financial assistance for families with dependent children when the parent or other relative is considered unable to work due to a physical or mental disability or the children are cared for by a relative other than a parent who is not receiving assistance.

II. [~~Such replacement establishes~~] The New Hampshire employment program and the family assistance program [~~as the~~] *are* cash assistance programs upon which Medicaid and Food Stamps are automatically granted in the same relationship [~~as under the AFDC program~~].

III. [~~A waiver or a block grant may be phased in, at the discretion of the commissioner. If there is a phasing in then the existing AFDC/JOBS program may be maintained in all or part of the state at the discretion of the commissioner. To the extent that some portions of the state are covered by the AFDC/JOBS program, the statutes and rules governing that program shall apply and be in effect.~~] Notwithstanding any other laws to the contrary, the New Hampshire employment program and family assistance program shall be covered by this subdivision and the rules adopted under the authority of this section. All statutory provisions within RSA 161 and 167 which are not inconsistent with the provisions of this subdivision shall remain in full force and effect and shall apply to the New Hampshire employment program and the family assistance program.

IV. The New Hampshire employment program shall promote economic independence and help maintain and strengthen family life by enabling able-bodied persons with dependent children to assume responsibility for their families through the dignity of work. Work shall be promoted by:

(a) Offering employment services, support services, and transitional financial assistance with the expectation that participants move quickly towards employment.

(b) Developing long-term employment skills that lead to self-sufficiency.

(c) Recognizing the equal responsibility of both parents to provide economic support for their children.

V. The goals of the New Hampshire employment program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by fostering employment and opportunity as a means to economic independence.

(b) Assist participants to gain employment as rapidly as possible, given due consideration to individual circumstances, labor market conditions, the needs of the dependent children for continuing care and protection, and the ultimate goal of long-term economic independence.

(c) Eliminate the stigma of welfare by promoting a philosophy and perception that the purpose of welfare is to eliminate or reduce the harmful effects of poverty on families and children by promoting work opportunities for all New Hampshire residents.

(d) Support and coordinate with activities that promote self-sufficiency and strengthen family life.

(e) Provide a comprehensive support service package that includes: medical assistance, food stamps, child care, transportation, child support, and other support services necessary to promote economic independence.

(f) Promote successful transition from public assistance through the provision of job readiness activities, training, and education activities concurrently with employment or seeking employment, family support skills, and follow-up services for problem resolution and job advancement.

(g) Develop partnerships with employers to create job opportunities and meet the needs of both employers and participants.

(h) Provide a program where it is more advantageous to work than not to work by rewarding self-sufficiency.

(i) Implement a program that is clear, focused, and simple to administer.

VI. The goals of the family assistance program shall be to:

(a) Eliminate or reduce the harmful effects of poverty on families and children by providing financial assistance and medical assistance only to families with children in a manner compatible with decency and health.

(b) Promote employment opportunities ~~[on a voluntary basis]~~.

2 Definition of Employment-Related Activities. RSA 167:78, IX is repealed and reenacted to read as follows:

IX. "Employment-related activities" mean activities that meet the federally defined work activities in The Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, Section 407(d) of the Social Security Act, as amended by the Deficit Reduction Act of 2005, and further defined in rules adopted pursuant to RSA 541-A.

3 Employment Program; Eligibility. Amend RSA 167:79, II to read as follows:

II. The following persons shall be included in the assistance group, unless such person receives state supplemental assistance or supplemental security benefits under Title XVI of the Social Security Act, foster care or adoption assistance, if living in the same household or temporarily absent from the household: any dependent child and all minor blood-related, step, or adoptive brothers and sisters, and all natural, step, or adoptive parents of such children, *including cohabitating adults who share a minor child*. In the case of a minor parent, the assistance unit may also include all natural, step, or adoptive parents of the minor parent and all minor blood-related, step or adoptive brothers and sisters. If the parents are not residing together a child shall be considered residing with the parent who has physical custody of the child the majority of the time.

4 Employment Program; Requirement to Prevent Reduction in Benefits. Amend RSA 167:79, VI (c) to read as follows:

(c) A parent/caretaker relative and case members shall cooperate with ~~[all employment-related activities of]~~ *required appointments for entry into* the employment program.

5 Employment Program Characteristics. Amend RSA 167:82 to read as follows:

167:82 Employment Program Characteristics.

I. The program shall provide financial assistance to assistance groups who meet and comply with all the eligibility *and employment program participation* requirements under RSA 167:79, 167:80, and 167:81.

II. The following persons shall be temporarily deferred from the participation ~~[requirements in RSA 167:85, 167:90, and 167:91]~~ *in employment-related activities*:

(a) Dependent children under the age of 16.

(b) Dependent children age 16 or older who are full-time students in an elementary, secondary, vocational/technical school, or the equivalent.

(c) ~~[One]~~ A parent or caretaker relative ~~[per assistance group]~~ who is personally providing care for a child under the deferral age established by the department by rules adopted pursuant to RSA 541-A.

(d) A parent or caretaker relative who is 60 years of age or older.

(e) A pregnant woman as defined by the department by rules adopted pursuant to RSA 541-A.

(f) A person who is employed full-time as defined by the department by rules adopted pursuant to RSA 541-A.

(g) A person who is temporarily unable to participate in program requirements due to illness or incapacity as certified by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration and limitations of the disability.

(h) A parent or caretaker relative required to be in the home to care for another relative or assistance group member who resides in the same household due to that member's illness, or incapacity or disability; and there are no other household members to provide the care; and required care is considered necessary by a licensed physician or board certified psychologist. The physician or psychologist shall certify, on a form provided by the department, the duration that care is required.

(i) A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.

(j) Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

III. Financial assistance for an assistance group shall be reduced if a parent or caretaker relative of the assistance group:

(a) Fails to assign child support rights to the department.

(b) Fails to cooperate with child support requirements without good cause. A parent or caretaker relative shall have good cause for noncooperation with child support requirements when efforts to establish paternity or secure support are against the best interests of the child or parent or caretaker relative or when efforts to establish paternity or secure support can reasonably be anticipated to result in physical or emotional harm to the child or parent or caretaker relative. A parent or caretaker relative shall also have good cause for noncooperation with child support requirements when at least one of the following conditions exists:

(1) The child for whom support is sought was conceived as a result of incest or forcible rape;

(2) Proceedings for adoption of the child are pending in a court; or

(3) A social service agency is helping the parent or caretaker relative decide whether to relinquish the child for adoption, and the discussions have not occurred for more than 3 months.

(c) Voluntarily quits a job consisting of at least 20 hours of work per week without good cause 60 days or less prior to the date of application for financial assistance, and such parent or caretaker relative has not become reemployed at a level consisting of at least 20 hours of work per week. Good cause for leaving employment shall include any of the following:

(1) Discrimination by an employer based on age, race, sex, color, physical or mental disability, religious belief, national origin, or political beliefs;

(2) Work demands or conditions that render continued employment unreasonable, including but not limited to, employment in which the degree of risk to health or safety is unreasonable or employment yielding weekly earnings of less than the state or federal hourly minimum wage;

(3) Resignation by a person under the age of 60 which is recognized by the employer as retirement;

(4) Employment which becomes or is revealed to be unsuitable following acceptance of such employment, including, but not limited to, employment which the parent or caretaker relative is physically or mentally unfit to perform, or employment in which the distance from the parent or caretaker relative's home to the place of employment is unreasonable considering the wage and the time and cost of commuting;

(5) Acceptance by the parent or caretaker relative of *new* employment[~~or enrollment of at least half-time in any recognized school, training program or institution of higher education;~~] that requires the parent or caretaker relative to leave *current* employment;

(6) Leaving a job in order to accept a bona-fide job offer which job offer, because of subsequent circumstances beyond the control of the applicant, is withdrawn or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage;

(7) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun;

(8) Leaving a job because of circumstances beyond the control of the parent or caretaker relative which render continued employment impracticable, including but not limited to, lack of transportation or child care, or illness, incapacity or disability of the parent or caretaker relative, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the parent or caretaker relative, net loss of cash income, required court appearance, or mandated appointments; or

(9) Other good cause.

(d) Voluntarily quits or refuses a job without good cause as defined in RSA 167:82, III(c) while receiving financial assistance. A parent or caretaker relative shall be considered to have voluntarily quit a job while receiving financial assistance if such person fails to report for work without good cause as defined in RSA 167:82, III(c), resulting in the termination of the parent or caretaker relative's employment while receiving assistance. A parent or caretaker relative who is fired or resigns from a job at the request of the employer due to such person's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily quit the job.

(e) Fails to comply without good cause with ongoing participation requirements in RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(f) Fails to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

IV. Financial assistance for an assistance group shall be reduced if a non-deferred dependent child of the assistance group:

(a) Fails to comply without good cause with ongoing participation requirements as required by RSA 167:85, 167:88, 167:90, or 167:91. Good cause shall exist when circumstances are beyond the participant's control, including, but not limited to, lack of transportation or child care, or illness, incapacity or disability of the participant, or illness, incapacity or disability of another household member serious enough to require the presence in the home of the participant, net loss of cash income, required court appearance, mandated appointments, or unreasonable risk to the health or safety of any household member.

(b) Failure to comply with other eligibility requirements as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

V. The department shall establish reduction rates, and the duration of the reduction for reductions under RSA 167:79, VI, 167:82, III, and 167:82, IV by rules adopted pursuant to RSA 541-A. The initial reduction rate imposed on any household shall be determined by disregarding the needs of the participant who is out of compliance, but not the needs of the dependent children. If the participant remains out of compliance at the end of the initial reduction period, then a greater reduction may be imposed which partially disregards the needs of the dependent children. No reduction shall be imposed on a household unless the participant who is out of compliance has received prior written notice of the reason for the reduction of assistance and the specific actions which must be taken in order to reinstate full assistance. No reduction shall be imposed which disregards the needs of the children when the parent or caretaker relative who is out of compliance lacks the means necessary to immediately come into compliance.

VI. Participants shall be eligible for medical assistance as categorically needy provided they receive financial assistance under this subdivision, or are otherwise eligible to receive such assistance but do not. An assistance group that becomes ineligible due to new or increased earnings shall remain eligible for medical assistance for 12 months from when the assistance group became ineligible *pursuant to rules adopted under RSA 541-A*.

VII. (a) Financial assistance payments shall be based on the characteristics of the assistance group under this section and the standard of need and payment standard as authorized in RSA 167:7, II. The financial assistance grant is the difference between the assistance group's net income and the

payment standard. The financial assistance payments may be contingent on the performance of program activities and may be made after the performance of such program activities. The following disregards and deductions shall be allowed in determining net income:

- (1) An applicant earned income disregard.
- (2) A participant earned income disregard.
- (3) A deduction for all amounts actually paid by the assistance group for court-ordered payments.

(4) A deduction for amounts actually paid for child care expenses not to exceed the applicable rate as determined by the department by rules adopted pursuant to RSA 541-A.

(5) [Repealed.]

(6) Any other disregard or deduction established by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

(b) The department may establish the amount of the earned income disregard or any other disregard or deduction by rules adopted pursuant to RSA 541-A.

VIII. When the department has made a final determination that a parent or caretaker relative, without good cause, has failed to comply with employment program work requirements under RSA 167:85, and assistance to the household has been reduced *or closed* pursuant to RSA 167:82, III(c)-(e) or IV(a), the amount of reduction shall be a qualified state assistance reduction. The reduction *or closure* shall remain a qualified state assistance reduction for so long as the parent or caretaker relative is a New Hampshire employment program recipient and maintains the present ability to cure the reduction by complying with employment program work requirements. The department shall provide advance notice to the parent or caretaker relative of the amount and effective date of the qualified state assistance reduction *or closure* and that a city or town may consider the amount as deemed income for purposes of calculating eligibility for and the amount of general assistance. Upon request, the department, in a timely manner, shall make available to the welfare administrator of any city or town information as to the existence and amount of any qualified state assistance reduction *or closure amount* that has been imposed on any person applying for assistance from that municipality.

6 Infringement on Rights of Other Employees Prohibited. Amend RSA 167:82-a, I to read as follows:

1. The employment program shall not ~~[use participants]~~ *permit individuals to participate in the employment program* in any way contrary to federal law under section 407(f) of the Social Security Act.

7 Rulemaking; Notice Requirements. Amend RSA 167:83, II(b) to read as follows:

(b) Notification of case decisions which affect the *type or* amount of benefits, ~~[or] the~~ level of eligibility ~~[to participants]~~, or changes in participation requirements.

8 Rulemaking. Amend RSA 167:83, II(o) to read as follows:

(o) *Operation of the employment program and employment-related activities as required by The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, and the Deficit Reduction Act of 2005.*

(p) Any other matters necessary to implement the program in a manner that promotes the purpose and goals of this subdivision.

9 Right to Notice of Type and Amount of Benefits. Amend RSA 167:83, III(c) to read as follows:

(c) To be notified of the decision relative to eligibility, and *benefit amounts and* of any changes which affect the benefit amount, the level of eligibility, or changes in participation requirements.

10 Family Assistance Program. Amend RSA 167:84, I and II to read as follows:

I. The family assistance program shall provide financial assistance for dependent children who:
~~[(a) Are deprived of parental support or care by reason of death, continued absence from the home, physical or mental incapacity, or the unemployment or underemployment of a parent; and~~

~~(b) Reside with either their nonable-bodied specified relative or a caretaker relative who is not included in the assistance group. Financial assistance shall be provided to the parents of the dependent child. Financial assistance may be provided to the nonable-bodied caretaker relative.]~~

(a) Are cared for by a caretaker relative who is not included in the assistance group.

(b) Are cared for by a specified relative and does not meet the definition of RSA 167:78, I.

(c) Are cared for by caretaker relative who is included in the case and does not meet the definition of RSA 167:78, I.

II. An applicant shall meet all eligibility requirements under RSA 167:79, II, III, IV, V, VI(a), 167:80 and 167:81 to be eligible for financial assistance under this section, and shall be subject to applicable sanctions *or case closures* under RSA 167:82, III(a), III(b), and III(f).

11 Specialized Employment-Related Activities. Amend the section heading and introductory paragraph of RSA 167:91 and RSA 167:91, I-VI to read as follows:

167:91 Specialized [Services] *Employment-Related Activities*. The following describes [the employment program specialized services] *certain specialized employment-related activities* and associated participant requirements:

I. Each participant less than [24] 20 years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(a) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or

(b) Enroll in school to pursue a high school diploma.

II. Each participant required to pursue an education under paragraph I and who is unable to obtain a GED or HSD in a specified period of time may be offered services to enhance basic literacy and work skills.

III. A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.

IV. The commissioner may offer English as a Second Language services.

V. A participant shall be exempt from the requirements of paragraphs I and II if:

(a) The participant is unable to successfully complete educational activities and is willing and able to participate in job search activities; or

(b) The participant's involvement in educational activities is inappropriate, based on assessment and the employment goals established in the employment contract, and such goals do not require a high school diploma or equivalent.

VI. The commissioner may provide on-the-job training. A participant shall make satisfactory progress in the employment placement to continue to qualify as an employment-related activity under the employment program *and be an approved activity under The Personal Responsibility and Work Opportunity Reconciliation Act, as amended by the Deficit Reduction Act of 2005*.

12 Repeal. The following are repealed:

I. RSA 167:78, XXVI, relative to benefits program.

II. RSA 167:85, II(a), (b), and (c), relative to job search requirements in the calculation of certain employment-related activity.

13 Legislative Oversight. The oversight committee established by RSA 126-A:13 shall monitor changes to the state TANF program made pursuant to this act and shall provide informational meetings on such changes to the general court.

14 Effective Date. This act shall take effect June 30, 2007.

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford. **ought to pass.**

Rep. Kenneth Weyler for Finance: School construction aid can include not only the buildings but also the athletic fields and the cost of that property. This bill introduces a new concept and likely future savings to the state's construction aid account. Although the original bill was specific to the town of Bedford, it was amended before it came to the Finance Committee. The bill now allows school building aid to be used to improve municipally owned buildings or lands to be used for athletic fields or any other school district purpose if the costs are lower than they would be if they involved new acquisition. Vote 19-0.

HB 1601-FN-L, relative to the funding of catastrophic special education aid and making an appropriation to the department of education to support the Laurent Clerc Academy. **REFER FOR INTERIM STUDY.**

Rep. Linda T. Foster for Finance: This bill came to the committee very late in the session and involves very complex fiscal issues and policy. For example, the committee learned that some districts net out funds from other state sources when calculating catastrophic aid and some don't. The committee will explore and research this and other related issues and construct legislation to be considered in the next session. Vote 19-0.

HB 1611-FN, relative to reimbursement for personal care services. **OUGHT TO PASS.**

Rep. Mary Jane Wallner for Finance: The Finance Committee found that this bill will not increase state expenditures. The bill will allow Health and Human Services to, in certain cases; reimburse a parent for providing personal care to a child with special health care needs. Vote 19-0.

HB 1645-FN, relative to fireworks display permits, the position of permissible fireworks inspector, and the sale of permissible fireworks. **REFER FOR INTERIM STUDY.**

Rep. Peter Franklin for Finance: The hearings held on this bill led the Finance Committee to the conclusion that the bill needs much work. The committee recommendation is for Interim Study, with representation of Finance, Ways and Means and Criminal Justice. If a full time classified position of Fireworks Inspector is to be established, it should be carefully defined and funding should be established. This and all other matters of disagreement should be resolved. Vote 18-0.

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities. **OUGHT TO PASS.**

Rep. Christine C. Hamm for Ways and Means: This bill, as introduced, as corrective legislation, at the request of the Secretary of State's office, came to Ways and Means after passing the Commerce Committee 14-0 and the full House on the Consent Calendar. It requires the repayment of erroneously imposed fees, and changes certain late fees from \$25 per month to \$50 per year. Vote 17-1.

HB 1470, relative to overweight vehicle permit fees. **OUGHT TO PASS.**

Rep. Philip G. Osgood for Ways and Means: This bill allows an increase in fees for special permits to allow trucks to operate on the state highway system at a weight greater than its registered gross weight. This is a point A to point B permit and is required every time a trucker is going to exceed the registered weight of the truck. These fees have not been increased in over 10 years. The committee voted unanimously in favor of this increase. Vote 15-0.

REGULAR CALENDAR SPECIAL ORDERS

HB 1177, prohibiting smoking in restaurants and cocktail lounges. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sheila T. Francoeur for the Majority for Commerce: This bill will prohibit smoking in restaurants and cocktail lounges in New Hampshire. Current law allows smoking in restaurants with seating for fewer than 50 and in segregated areas having a physical barrier of 56 inches in height and a four foot wide separation. This bill will change that. Over the years much information has been provided proving that second hand smoke is dangerous and, in fact, that second hand smoke kills. Smoking in restaurants and cocktail lounges is a health issue for the employees in these establishments and for the patrons. There has been concern in the past that prohibiting smoking in these establishments would cause an economic hardship on our restaurant industry as their business would go across the border. That threat is no longer viable as all of our border states have gone smoke free. It should also be noted that the New Hampshire Lodging and Restaurant Association has not opposed this bill as they have done in the past. Additionally, studies have proven that in states that have enacted smoking bans business has not declined but actually increased and increased the revenue derived from the rooms and meals tax. The amendment clarifies the language in the original bill and in the Indoor Smoking Act. The majority of the committee believes that this bill is pro-health and pro-business and strongly recommends its passage. Vote 14-3.

Rep. Jane S. Langley for the Minority for Commerce: The minority believe that business owners know best how to satisfy their customers, and they, rather than the government, should be allowed to decide whether to allow, restrict or ban smoking in their establishments. Many, or most, have already decided to go smoke-free. Any action on our part will only make matters worse. The owners know their customers and should be the ones to accommodate their desires. New Hampshire is surrounded by states with smoking bans. Many residents of these states now patronize restaurants and bars in New Hampshire border communities. The economic benefit this provides will be lost if this ban is passed. This could make a difference in our rooms and meals tax, tobacco tax, liquor tax, business tax, not to mention the lottery sales. With a 3.3% unemployment rate in New Hampshire, it is unlikely a waitperson could not find employment elsewhere

if they do not care to work in a smoking establishment. A smoking ban has been considered many times in the past and this House has rejected it. A large number of restaurants have gone smoke-free depending upon local circumstances. Again, let the market decide.

Majority Amendment (1172h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

Amend the bill by replacing all after the enacting clause with the following:

1 Indoor Smoking Act; Definition of "Effectively Segregated." Amend RSA 155:65, V to read as follows:

V. "Effectively segregated" means all the following conditions have been met:

(a) Procedures for accurately and fairly determining preference have been followed;

(b) The size and location of no-smoking and smoking-permitted areas are designed, designated, or juxtaposed so that smoke does not cause harm or unreasonably intrude into the area occupied by persons who are not smoking;

[(c) A contiguous portion of the enclosed public place, including any seating arrangements, measures a minimum of 200 square feet, and at least one of the following 2 contingencies exist:

(1) There is a continuous, physical barrier such as a wall, partition or furnishing at least 56 inches in height to separate the no-smoking area from a smoking-permitted area. The barrier may contain doors or portals for exit and entry; or

(2) There is a space of at least 4 feet in width to separate the smoking-permitted and no-smoking areas. This space may be either an unoccupied area or a section of seating area representing a buffer zone in which smoking is not permitted, but which itself is not part of the no-smoking designated area;] and

[(f)] (c) In buildings where existing ventilation systems are in place, areas designated as smoking areas are located, where reasonably possible, proximate to exhaust vents.

2 Indoor Smoking Act; Definition of "Restaurant." Amend RSA 155:65, XIV to read as follows:

XIV. "Restaurant" means any room or enclosed place used and kept open on a regular basis and in a bona fide manner for the serving of meals to guests for compensation. "*Restaurant*" shall include any restaurants in resorts, hotels, and motels.

3 Indoor Smoking Act; Smoking Prohibited. RSA 155:66 is repealed and reenacted to read as follows:

155:66 Smoking Prohibited.

I. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:

(a) Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

(b) Hospitals and other acute care facilities.

(c) Grocery stores by customers.

(d) Elevators, tramways, gondolas, and other such public conveyances.

(e) Public conveyances.

(f) Restaurants.

(g) Cocktail lounges.

(h) Enclosed places owned and operated by social, fraternal, or religious organizations when open to the general public. Purposes for which such places may be open to the general public may include, but not be limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs, and bazaars.

II. Smoking may be permitted in enclosed places of public access and publicly-owned buildings and offices, including workplaces, other than those listed in paragraph I, in effectively segregated smoking-permitted areas designated by the person in charge. Smoking shall be totally prohibited in any such enclosed place, if smoking cannot be effectively segregated. The person in charge may declare any facility non-smoking in its entirety.

4 Repeal. The following are repealed:

I. RSA 155:67, VIII, relative to an exemption for certain restaurants.

II. RSA 155:67, IX, relative to an exemption for cocktail lounges.

5 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill prohibits smoking in restaurants, cocktail lounges, and certain enclosed public places in New Hampshire.

This bill clarifies the smoking prohibited section of the indoor smoking act.

This bill also clarifies certain definitions under the indoor smoking act.

Reps. Hunt, Weyler and Cilley spoke against.

Rep. Holden spoke against and yielded to questions.

Reps. Pelkey, MacKay and Sheila Francoeur spoke in favor and yielded to questions.

(Rep. Price in the Chair)

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

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YEAS 177

BELKNAP

Clark, Charles
Millham, Alida
Whalley, Michael

Fitzgerald, James
Morrison, Gail

Flanders, Donald
Rosen, Ralph

Heald, Bruce
Thomas, John

CARROLL

Babson, David Jr
Patten, Betsey

Brown, Carolyn
Philbrick, Donald

McConkey, Mark
Stevens, Stanley

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Robertson, Timothy

Butcher, Suzanne
Espiefs, Peter
Pelkey, Stephen
Weed, Charles

Butynski, William
Foote, Sheila
Plifka, Stanley Jr

Chase, William
Hogancamp, Deborah
Roberts, Kris

COOS

Merrick, Scott

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Williams, Burton

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Batula, Peter
Brassard, Paul
Coughlin, Pamela
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Irwin, Anne-Marie
Lasky, Bette
Pappas, Christopher
Schulze, Joan
Velez, Hector

Beaulieu, Jane
Calawa, Leon Jr
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Hall, Betty
Jean, Claudette
Matarazzo, Anthony Jr
Pilotte, Maurice
Smith, David
Villeneuve, Maurice

Bergin, Peter
Chase, Claudia
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Harvey, Suzanne
Judy, Jean
Michon, Stephen
Price, Pamela
Sullivan, Francis
Wheeler, Robert

Boehm, Ralph
Cote, David
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Infantine, William
Kopka, Angeline
Mooney, Maureen
Rochette, Eric
Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
DeStefano, Stephen
Gile, Mary
Hess, David
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Yeaton, Charles

Bouchard, Candace
Field, William
Greco, Vincent
Kidder, David
Osborne, Jessie
Rush, Deanna
Walz, Mary Beth

Brueggemann, Donald
Foote, Robert
Hager, Elizabeth
L'Heureux, Stephen
Owen, Derek
Ryan, Jim
Whiting, Herbert

DeJoie, John
French, Barbara
Hamm, Christine
MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dalrymple, Janeen	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Gould, Kenneth	Griffin, Mary	Johnson, Robert
Mason, April	Moody, Marcia	O'Neil, Michael	Pantelakos, Laura
Powers, James	Rolston, James	Sanders, Elisabeth	Serlin, Christopher
Splaine, James	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Wells, Roger	Winchell, George	Zolla, William

STRAFFORD

Brown, Julie	Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Wall, Janet			

SULLIVAN

Cloutier, John	Donovan, Thomas	Franklin, Peter	Gale, Harry
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen

NAYS 164**BELKNAP**

Allen, Janet	Boyce, Laurie	Nedeau, Stephen	Russell, David
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran

CARROLL

Buco, Thomas	Chandler, Gene	Dickinson, Howard	Morrow, Harry
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CHESHIRE

Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Hunt, John
Parkhurst, Henry	Pratt, John	Richardson, Barbara	Sawyer, Sheldon
Tilton, Anna			

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Richardson, Herbert	Theberge, Robert	

GRAFTON

Gionet, Edmond	Ingbreton, Paul	Mirski, Paul	Sorg, Gregory
Ward, John			

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Allan, Nelson	Balboni, Michael
Baroody, Benjamin	Barry, J Gail	Bergeron, Jean-Guy	Biundo, Michael
Brundige, Robert	Buhlman, David	Campbell, David	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Cote, Peter	Dyer, Donald	Elliott, Nancy	Golding, William
Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Haley, Robert	Hansen, Ryan	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph
Jasper, Shawn	Johnson, Paula	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Moran, Edward	Movesian, Lori	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Reeves, Sandra	Renzullo, Andrew
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Shattuck, Gilman
Shaw, Barbara	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Wheeler, James

MERRIMACK

Anderson, Eric	Clarke, Claire	Currier, David	Kennedy, Richard
Klose, John	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Maxfield, Roy	Oliver, James	Tupper, Frank	

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	DiFruscia, Anthony	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Forsing, Robert	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis
Lund, Howie	Major, Norman	McKinney, Betsy	McMahon, Charles
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Parker, Benjamin
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Robinson, John	Welch, David	Weldy, Norman	Weyler, Kenneth

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Jennifer	Campbell, W Packy
Cataldo, Sam	Cilley, Jacalyn	Domingo, Baldwin	Easson, Timothy
Heon, Richard	Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy
Knowles, William	Newton, Clifford	Taylor, Kathleen	

SULLIVAN

Converse, Larry	Ferland, Brenda	Osgood, Philip Sr	Phinizy, James
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Rodeschin, Beverly

and the majority committee amendment was adopted.

Rep. Vaillancourt offered floor amendment (1242h).

Floor Amendment (1242h)

Amend RSA 155:66, I(h) as inserted by section 3 of the bill by replacing it with the following:

(h) Enclosed places owned and operated by social, fraternal, or religious organizations.

Amend the bill by replacing section 4 with the following:

4 Repeal. The following are repealed:

I. RSA155:67, II, relative to an exemption for certain enclosed places when used for private purposes.

II. RSA 155:67, VIII, relative to an exemption for certain restaurants.

III. RSA 155:67, IX, relative to an exemption for cocktail lounges.

AMENDED ANALYSIS

This bill prohibits smoking in restaurants, cocktail lounges, and enclosed places owned and operated by social, fraternal, or religious organizations in New Hampshire.

This bill clarifies the smoking prohibited section of the indoor smoking act.

This bill also clarifies certain definitions under the indoor smoking act.

Rep. Vaillancourt spoke in favor and yielded to questions.

Rep. Dokmo spoke against.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 61 NAYS 282**YEAS 61
BELKNAP****CARROLL****CHESHIRE**

Thomas, John

Knox, J David

Eaton, Daniel
Sawyer, Sheldon

Hunt, John

Pratt, John

Robertson, Timothy

COOS

Merrick, Scott Richardson, Herbert

GRAFTON

Andersen, Gene

HILLSBOROUGH

Aboshar, Jeffrey	Boehm, Ralph	Calawa, Leon Jr	Carter, Mark
Christiansen, Lars	Drisko, Richard	Ginsburg, Ruth	Golding, William
Gorman, Mary	Hirschmann, Keith	Holden, Randolph	Infantine, William
Kurk, Neal	Lasky, Bette	Mooney, Maureen	Moran, Edward
Pappas, Christopher	Renzullo, Andrew	Sullivan, Peter	Tahir, Saghir
Vaillancourt, Steve	Velez, Hector		

MERRIMACK

Anderson, Eric	Currier, David	DeJoie, John	Greco, Vincent
Kennedy, Richard	L'Heureux, Stephen	Marple, Richard	Maxfield, Roy
Potter, Frances			

ROCKINGHAM

Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin	Forsing, Robert
Garity, James	Hopfgarten, Paul	Hughes, Daniel	Major, Norman
Mason, April	O'Neil, Michael	Stone, Joseph	

STRAFFORD

Brown, Jennifer	Cilley, Jacalyn	Domingo, Baldwin	Hilliard, Dana
Taylor, Kathleen			

SULLIVAN

Franklin, Peter	Gale, Harry	Osgood, Philip Sr	Phinizy, James
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NAYS 282**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Rosen, Ralph	Russell, David
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara	Roberts, Kris
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Morneau, Renney	Remick, William	Stohl, Eric	Theberge, Robert
Tholl, John Jr			

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Hammond, Lee	Harding, A Laurie
Ingbreton, Paul	McLeod, Martha	Mirski, Paul	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Batula, Peter	Beaulieu, Jane	Bergeron, Jean-Guy	Bergin, Peter
Biundo, Michael	Brassard, Paul	Brundige, Robert	Buhlman, David
Campbell, David	Carew, James	Chase, Claudia	Christensen, D L Chris
Clark, Mark	Cote, David	Cote, Peter	Coughlin, Pamela
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Goley, Jeffrey	Goyette, John Jr	Graham, John	Hagan, Barbara
Haley, Robert	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Johnson, Paula	Kopka, Angeline
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Michon, Stephen
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Rochette, Eric
Rosenwald, Cindy	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Slocum, Lee
Smith, David	Souza, Kathleen	Stepanek, Stephen	Sullivan, Francis
Ulery, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Bishop, Franklin	Buxton, Donald	Carson, Sharon
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Flockhart, Eileen
Francoeur, Sheila	Gilbert, Karl	Gillick, Thomas	Gould, Kenneth
Griffin, Mary	Headd, James	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Lund, Howie	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Pantelakos, Laura	Parker, Benjamin	Powers, James	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Winchell, George
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan	Creteau, Irene
Dunlap, Patricia	Easson, Timothy	Grassie, Anne	Heon, Richard
Hofemann, Roland	Hollinger, Jeffrey	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Newton, Clifford
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Wall, Janet		

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Rodeschin, Beverly

Converse, Larry
Irish, Christopher

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Prichard, Stephen

and floor amendment (1242h) failed.

Rep. Hunt offered floor amendment (1287h).

Floor Amendment (1287h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to smoking in restaurants and cocktail lounges.

Amend the bill by replacing all after the enacting clause with the following:

1 Indoor Smoking Act; Definition of "Effectively Segregated." Amend RSA 155:65, V to read as follows:

V. "Effectively segregated" means all the following conditions have been met:

(a) Procedures for accurately and fairly determining preference have been followed;

(b) The size and location of no-smoking and smoking-permitted areas are designed, designated, or juxtaposed so that smoke does not cause harm or unreasonably intrude into the area occupied by persons who are not smoking;

(c) A contiguous portion of the enclosed public place, including any seating arrangements, measures a minimum of 200 square feet, and [at least one of the following 2 contingencies exist:

(1) there is a continuous, physical barrier such as a wall [or partition [or furnishing at least 56 inches in height] to separate the no-smoking area from a smoking-permitted area. The barrier [may] shall contain doors or portals for exit and entry; [or

(2) There is a space of at least 4 feet in width to separate the smoking-permitted and no-smoking areas. This space may be either an unoccupied area or a section of seating area representing a buffer zone in which smoking is not permitted, but which itself is not part of the no-smoking designated area;] and

(d) In buildings where existing ventilation systems are in place, areas designated as smoking areas are located, where reasonably possible, proximate to exhaust vents.

2 Indoor Smoking Act; Definition of "Public Access." Amend RSA 155:65, X to read as follows:

X. "Public access" means any enclosed place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including, but not limited to, buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, retail stores, grocery stores, libraries, theaters, concert halls, auditoriums, arenas, barber shops, hair salons, laundromats, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, *cocktail lounges*, and common areas of resorts, hotels, and motels, including the lobbies, hallways, elevators, restaurants, restrooms, and cafeterias.

3 New Section; Employees Working in Smoking Permitted Areas. Amend RSA 155 by inserting after section 72 the following new section:

155:72-a Employees Working in Smoking Permitted Areas. No employee shall be required, in the performance of ordinary work responsibilities, to enter any area in which smoking is permitted.

4 Repeal. The following are repealed:

I. RSA 155:67, VIII, relative to an exemption for certain restaurants.

II. RSA 155:67, IX, relative to an exemption for cocktail lounges.

5 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill requires effectively segregated smoking areas in restaurants with seating for fewer than 50 people and in cocktail lounges. This bill clarifies the definition of "effectively segregated" for the purposes of the indoor smoking act. This bill also provides that no employee shall be required to enter any area in which smoking is permitted.

Reps. McLeod and Sheila Francoeur spoke against.

Reps. Hunt and Dickinson spoke in favor.

On a division vote, 103 members having voted in the affirmative and 242 in the negative, floor amendment (1287h) failed.

Rep. Rowe offered floor amendment (1432h).

Floor Amendment (1432h)

Amend the title of the bill by replacing it with the following:

AN ACT prohibiting smoking in enclosed places and private conveyances where there are children.

Amend the bill by replacing all after the enacting clause with the following:

I Indoor Smoking Act; Definitions. Amend RSA 155:65, VI to read as follows:

VI. "Enclosed place" means a structurally enclosed location, or portion of such location enclosed by a floor, ceiling, and 3 or 4 solid walls, partitions, or windows, exclusive of doors or passageways. *"Enclosed place" shall include residential structures.*

2 New Paragraph; Definition Added. Amend RSA 155:65 by inserting after paragraph IX the following new paragraph:

IX-a. "Private conveyance" means privately owned vehicles, including but not limited to automobiles, buses, and vans.

3 Indoor Smoking Act; "Public Conveyance." Amend RSA 155:65, XII to read as follows:

XII. "Public conveyance" means any air, land, or water vehicle of public access, which has enclosed sections, used for the transportation of persons in the state of New Hampshire, whether or not for compensation, including, but not limited to, airplanes, trains, buses, boats, vans, or taxis. This definition shall ~~[not include privately owned vehicles when used for private purposes, but shall]~~ include all vehicles owned by the state and its political subdivisions.

4 New Paragraph; Indoor Smoking Act; Smoking Prohibited. Amend RSA 155:66 by inserting after paragraph VII the following new paragraph:

VIII. Enclosed residential places where children are residing or present and private conveyances where children are present.

5 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill prohibits smoking in enclosed places and private conveyances where there are children residing or present.

Rep. Rowe spoke in favor.

Rep. Sheila Francoeur spoke against.

MOTION TO LAY ON THE TABLE

Rep. Dickinson moved that **HB 1177**, prohibiting smoking in restaurants and cocktail lounges, be laid on the table.

Rep. Mead requested a roll call; sufficiently seconded.

YEAS 125 NAYS 220**YEAS 125****BELKNAP**

Allen, Janet
Veazey, John

Boyce, Laurie
Wendelboe, Fran

Tilton, Franklin

Tobin, William

CARROLL

Chandler, Gene

Dickinson, Howard

Merron, Harry

CHESHIRE

Dunn, J Timothy
Pratt, John

Eaton, Daniel
Sawyer, Sheldon

Hunt, John

Parkhurst, Henry

COOS

Buzzell, Bernard
Theberge, Robert

Lary, Bruce

Mears, Edgar

Richardson, Herbert

GRAFTON

Gionet, Edmond
Ward, John

Ingbertson, Paul

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Baroody, Benjamin

Adams, Jarvis IV
Bergeron, Jean-Guy

Allan, Nelson
Biundo, Michael

Balboni, Michael
Buhlman, David

Campbell, David
Cote, Peter
Goyette, Peter Jr
Hansen, Ryan
Hirschmann, Keith
Lawrence, James
Moran, Edward
Rowe, Robert
Sullivan, Peter
Wheeler, James

Carew, James
Drisko, Richard
Graham, John
Hawkins, Ken
Holden, Randolph
Manney, Pamela
O'Brien, William
Slocum, Lee
Tahir, Saghir

Carter, Mark
Elliott, Nancy
Hagan, Barbara
Hellwig, Steve
Jasper, Shawn
McRae, Karen
Reeves, Sandra
Souza, Kathleen
Ulery, Jordan

Christiansen, Lars
Gorman, Mary
Haley, Robert
Hinkle, Peyton
Johnson, Paula
Mead, Robert
Renzullo, Andrew
Stepanek, Stephen
Vaillancourt, Steve

MERRIMACK

Currier, David
Marple, Richard

Kennedy, Richard
Maxfield, Roy

Langlais, Thomas
Oliver, James

Lockwood, Priscilla
Tupper, Frank

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Dowling, Patricia
Hopfgarten, Paul
Itse, Daniel
McMahon, Charles
Quandt, Marshall Lee
Weldy, Norman

Belanger, Ronald
Camm, Kevin
Dumaine, Dudley
Hughes, Daniel
Katsakiores, George
Nowe, Ronald
Quandt, Matthew
Weyler, Kenneth

Bettencourt, David
Carson, Sharon
Fesh, Bob
Hutchinson, Karen
Lund, Howie
Palazzo, Frank
Robertson, Carl
Zolla, William

Bicknell, Elbert
DiFruscia, Anthony
Forsing, Robert
Ingram, Russell
McKinney, Betsy
Priestley, Anne
Weare, E Albert

STRAFFORD

Albert, Russell
Cataldo, Sam
Heon, Richard
Taylor, Kathleen

Berube, Roger
Cilley, Jacalyn
Hollinger, Jeffrey

Brown, Jennifer
Domingo, Baldwin
Knowles, William

Campbell, W Packy
Easson, Timothy
Newton, Clifford

SULLIVAN

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 220

BELKNAP

Clark, Charles
Millham, Alida
Rosen, Ralph

Fitzgerald, James
Morrison, Gail
Russell, David

Flanders, Donald
Nedeau, Stephen
Thomas, John

Heald, Bruce
Pilliod, James
Whalley, Michael

CARROLL

Babson, David Jr
Martin, James
Philbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

CHESHIRE

Allen, Peter
Coates, Christopher
Hogancamp, Deborah
Richardson, Barbara
Weed, Charles

Butcher, Suzanne
Emerson, Susan
Mitchell, Bonnie
Roberts, Kris

Butynski, William
Espiefs, Peter
Pelkey, Stephen
Robertson, Timothy

Chase, William
Foote, Sheila
Plifka, Stanley Jr
Tilton, Anna

COOS

King, Frederick
Stohl, Eric

Merrick, Scott
Tholl, John Jr

Morneau, Renney

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Williams, Burton

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Barry, J Gail	Batula, Peter	Beaulieu, Jane	Bergin, Peter
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Chase, Claudia	Christensen, D L Chris	Clark, Mark	Cote, David
Coughlin, Pamela	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Dyer, Donald	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Hall, Betty
Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Jeady, Jean	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lessard, Rudy	Matarazzo, Anthony Sr	Michon, Stephen
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Rochette, Eric
Rosenwald, Cindy	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Smith, David	Sullivan, Francis	Velez, Hector
Villeneuve, Maurice	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Field, William
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	MacKay, James	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Casey, Kimberley	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Dowd, John	Flanders, John Sr	Flockhart, Eileen
Francœur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Introne, Robert
Johnson, Robert	Katsakiores, Phyllis	Major, Norman	Mason, April
Moody, Marcia	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura
Parker, Benjamin	Powers, James	Robinson, John	Rolston, James
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Stiles, Nancy
Stone, Joseph	Waterhouse, Kevin	Welch, David	Wells, Roger
Winchell, George			

STRAFFORD

Brown, Julie	Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		

and the motion failed.

The question now being adoption of floor amendment (1432h).
Rep. Rowe requested a roll call; sufficiently seconded.

YEAS 36 NAYS 310**YEAS 36
BELKNAP**

Rosen, Ralph	Tilton, Franklin
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CARROLL

None

CHESHIRE

Eaton, Daniel	Pratt, John
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COOS

None

GRAFTON

Andersen, Gene	Hammond, Lee
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HILLSBOROUGH

Aboshar, Jeffrey	Carter, Mark	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Mooney, Maureen	Rowe, Robert	Slocum, Lee	Ulery, Jordan
Wheeler, Robert			

MERRIMACK

Gile, Mary	Kennedy, Richard	Marple, Richard	Oliver, James
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ROCKINGHAM

Bishop, Franklin	Cady, Harriet	DiFruscia, Anthony	Hopfgarten, Paul
Hughes, Daniel	McKinney, Betsy	Nowe, Ronald	Serlin, Christopher

STRAFFORD

Cilley, Jacalyn	Domingo, Baldwin	Taylor, Kathleen
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SULLIVAN

Irish, Christopher	Osgood, Philip Sr
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NAYS 310**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Pilliod, James	Russell, David	Thomas, John
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard
Merrick, Scott
Stohl, Eric

King, Frederick
Morneau, Renney
Theberge, Robert

Lary, Bruce
Remick, William
Tholl, John Jr

Mears, Edgar
Richardson, Herbert

GRAFTON

Almy, Susan
Eaton, Stephanie
McLeod, Martha
Sokol, Hilda
Williams, Burton

Benn, Bernard
Gionet, Edmond
Mirski, Paul
Solomon, Peter

Bleyler, Ruth
Harding, A Laurie
Mulholland, Catherine
Sorg, Gregory

Cooney, Mary
Ingbretson, Paul
Nordgren, Sharon
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Bergin, Peter
Brundige, Robert
Carew, James
Cote, Peter
Dokmo, Cynthia
Elliott, Nancy
Gargas, Carolyn
Goley, Jeffrey
Hagan, Barbara
Harvey, Suzanne
Irwin, Anne-Marie
Johnson, Paula
Lasky, Bette
Matarazzo, Anthony Sr
Moran, Edward
Ober, Lynne
Price, Pamela
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Francis
Velez, Hector

Allan, Nelson
Batula, Peter
Biundo, Michael
Buhlman, David
Chase, Claudia
Daniuk, Caitlin
Drisko, Richard
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Haley, Robert
Hirschmann, Keith
Jasper, Shawn
Kopka, Angeline
Lawrence, James
McRae, Karen
Movsesian, Lori
Pappas, Christopher
Reeves, Sandra
Ryder, Donald
Smith, David
Sullivan, Peter
Villeneuve, Maurice

Balboni, Michael
Beaulieu, Jane
Boehm, Ralph
Calawa, Leon Jr
Christensen, D L Chris
Desmarais, Vivian
Dyer, Donald
Essex, David
Ginsburg, Ruth
Goyette, Peter Jr
Hall, Betty
Holden, Randolph
Jean, Claudette
Kurk, Neal
Lessard, Rudy
Mead, Robert
O'Brien, William
Pepino, Leo
Renzullo, Andrew
Schulze, Joan
Souza, Kathleen
Tahir, Saghir
Wheeler, James

Baroody, Benjamin
Bergeron, Jean-Guy
Brassard, Paul
Campbell, David
Cote, David
DeVries, Betsi
Egbers, Fran
Foster, Linda
Golding, William
Graham, John
Hansen, Ryan
Infantine, William
Jeudy, Jean
L'Heureux, Robert
Manney, Pamela
Michon, Stephen
O'Connell, Timothy
Pilotte, Maurice
Rochette, Eric
Shattuck, Gilman
Stepanek, Stephen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
Field, William
Hager, Elizabeth
Klose, John
MacKay, James
Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Blanchard, Elizabeth
Currier, David
Foose, Robert
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
French, Barbara
Hess, David
Langlais, Thomas
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Brueggemann, Donald
DeStefano, Stephen
Greco, Vincent
Kidder, David
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Carson, Sharon
Cooney, Richard
Dumaine, Dudley
Forsing, Robert
Gillick, Thomas
Hutchinson, Karen

Allen, Mary
Buxton, Donald
Casey, Kimberley
Dalrymple, Janeen
Fesh, Bob
Francoeur, Sheila
Gould, Kenneth
Ingram, Russell

Belanger, Ronald
Cali-Pitts, Jacqueline
Charron, Gene
Dowd, John
Flanders, John Sr
Garrity, James
Griffin, Mary
Introne, Robert

Bettencourt, David
Camm, Kevin
Coburn, James
Dowling, Patricia
Flockhart, Eileen
Gilbert, Karl
Headd, James
Itse, Daniel

Johnson, Robert
Major, Norman
O'Neil, Michael
Parker, Benjamin
Quandt, Matthew
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger

Katsakiores, George
Mason, April
Packard, Sherman
Powers, James
Robertson, Carl
Splaine, James
Weare, E Albert
Weyler, Kenneth

Katsakiores, Phyllis
McMahon, Charles
Palazzo, Frank
Priestley, Anne
Robinson, John
Stiles, Nancy
Welch, David
Winchell, George

Lund, Howie
Moody, Marcia
Pantelakos, Laura
Quandt, Marshall Lee
Rolston, James
Stone, Joseph
Weldy, Norman
Zolla, William

STRAFFORD

Albert, Russell
Brown, Lawrence
Chaplin, Duncan
Grassie, Anne
Hollinger, Jeffrey
Knowles, William
Rous, Emma
Wall, Janet

Berube, Roger
Callaghan, Frank
Creteau, Irene
Heon, Richard
Johnson, Nancy
Miller, Joseph
Schmidt, Peter

Brown, Jennifer
Campbell, W Packy
Dunlap, Patricia
Hilliard, Dana
Kaen, Naida
Newton, Clifford
Smith, Marjorie

Brown, Julie
Cataldo, Sam
Easson, Timothy
Hofemann, Roland
Keans, Sandra
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizz, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

and floor amendment (1432h) failed.

The question now being adoption of the majority committee report.

Reps. Hawkins, Buhlman and Mead spoke against.

Reps. MacKay, Infantine and Sheila Francoeur spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 189 NAYS 156

YEAS 189

BELKNAP

Clark, Charles
Millham, Alida
Whalley, Michael

Fitzgerald, James
Morrison, Gail

Flanders, Donald
Pilliod, James

Heald, Bruce
Rosen, Ralph

CARROLL

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

Martin, James
Philbrick, Donald

CHESHIRE

Allen, Peter
Coates, Christopher
Hogancamp, Deborah
Richardson, Barbara

Butcher, Suzanne
Emerson, Susan
Mitchell, Bonnie
Roberts, Kris

Butynski, William
Espiefs, Peter
Pelkey, Stephen
Robertson, Timothy

Chase, William
Foote, Sheila
Plifka, Stanley Jr
Weed, Charles

COOS

Merrick, Scott
Tholl, John Jr

Morneau, Renney

Remick, William

Stohl, Eric

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Williams, Burton

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Batula, Peter	Bergin, Peter	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Chase, Claudia	Christensen, D L Chris
Cote, David	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Haley, Robert	Hall, Betty
Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Jeudy, Jean	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr
Michon, Stephen	Mooney, Maureen	Ober, Lynne	Pappas, Christopher
Pilotte, Maurice	Price, Pamela	Rochette, Eric	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Smith, David	Sullivan, Francis
Velez, Hector	Villeneuve, Maurice	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	Field, William	Foose, Robert	French, Barbara
Gile, Mary	Greco, Vincent	Hager, Elizabeth	Hamm, Christine
Hess, David	Kidder, David	L'Heureux, Stephen	Mackay, James
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Dalrymple, Janeen	Dowd, John	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Johnson, Robert	Katsakiores, Phyllis	Mason, April	Moody, Marcia
O'Neil, Michael	Pantelakos, Laura	Powers, James	Robinson, John
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Wells, Roger
Winchell, George			

STRAFFORD

Brown, Julie	Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan
Creteau, Irene	Dunlap, Patricia	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Kaen, Naida	Keans, Sandra	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Prichard, Stephen

NAYS 156**BELKNAP**

Allen, Janet	Boyce, Laurie	Nedeau, Stephen	Russell, David
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Morrow, Harry
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CHESHIRE

Dunn, J Timothy	Eaton, Daniel	Hunt, John	Parkhurst, Henry
Pratt, John	Sawyer, Sheldon	Tilton, Anna	

COOS

Buzzell, Bernard
Richardson, Herbert

King, Frederick
Theberge, Robert

Lary, Bruce

Mears, Edgar

GRAFTON

Gionet, Edmond
Ward, John

Ingbretson, Paul

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Baroody, Benjamin
Biundo, Michael
Carter, Mark
Coughlin, Pamela
Goley, Jeffrey
Hagan, Barbara
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Mead, Robert
O'Connell, Timothy
Rowe, Robert
Souza, Kathleen
Ulery, Jordan

Adams, Jarvis IV
Barry, J Gail
Buhlman, David
Christiansen, Lars
Crane, Elenore Casey
Gorman, Mary
Hansen, Ryan
Hinkle, Peyton
Johnson, Paula
Lessard, Rudy
Moran, Edward
Pepino, Leo
Ryder, Donald
Stepanek, Stephen
Vaillancourt, Steve

Allan, Nelson
Beaulieu, Jane
Campbell, David
Clark, Mark
Dyer, Donald
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Kurk, Neal
Manney, Pamela
Movsesian, Lori
Reeves, Sandra
Shaw, Barbara
Sullivan, Peter
Wheeler, James

Balboni, Michael
Bergeron, Jean-Guy
Carew, James
Cote, Peter
Elliott, Nancy
Graham, John
Hebert, Raymond
Holden, Randolph
L'Heureux, Robert
McRae, Karen
O'Brien, William
Renzullo, Andrew
Slocum, Lee
Tahir, Saghir

MERRIMACK

Anderson, Eric
Klose, John
Maxfield, Roy

Clarke, Claire
Langlais, Thomas
Oliver, James

Currier, David
Lockwood, Priscilla
Tupper, Frank

Kennedy, Richard
Marple, Richard

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Charron, Gene
Fesh, Bob
Hutchinson, Karen
Katsakiores, George
McMahon, Charles
Priestley, Anne
Weare, E Albert

Belanger, Ronald
Cady, Harriet
Coburn, James
Headd, James
Ingram, Russell
Lund, Howie
Nowe, Ronald
Quandt, Marshall Lee
Welch, David

Bettencourt, David
Camm, Kevin
DiFruscia, Anthony
Hopfgarten, Paul
Introne, Robert
Major, Norman
Packard, Sherman
Quandt, Matthew
Weldy, Norman

Bicknell, Elbert
Carson, Sharon
Dumaine, Dudley
Hughes, Daniel
Itse, Daniel
McKinney, Betsy
Palazzo, Frank
Robertson, Carl
Weyler, Kenneth

STRAFFORD

Albert, Russell
Cataldo, Sam
Heon, Richard
Newton, Clifford

Berube, Roger
Cilley, Jacalyn
Hollinger, Jeffrey
Taylor, Kathleen

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy

Campbell, W Packy
Easson, Timothy
Knowles, William

SULLIVAN

Ferland, Brenda
Rodeschin, Beverly

Gale, Harry

Osgood, Philip Sr

Phinizy, James

and the majority committee report was adopted.

Ordered to third reading.

Rep. Gibson did not vote and notified the Clerk that he wished to be recorded against.

MOTION TO LIMIT DEBATE

Rep. Carter moved that debate on the remaining bills of the day be limited to four minutes excluding questions and parliamentary inquiries.

Rep. Phinizy moved to amend the motion by limiting debate to one-half hour on each side, equally divided.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that the motion to limit debate, be laid on the table.
Adopted.

UNANIMOUS CONSENT

Rep. Peter Sullivan addressed the House.

RECESS

The House recessed at 12:40 p.m.

(Speaker Scamman in the Chair)

The House reconvened at 1:40 p.m.

REGULAR CALENDAR**SPECIAL ORDERS (CONT'D.)**

HB 1354, relative to physical force in defense of a person. **INEXPEDIENT TO LEGISLATE.**
Rep. Stanley E. Stevens for Criminal Justice and Public Safety: This bill purposely removes the duty to retreat in the face of an attack. RSA 627:4 as currently written already sufficiently covers this concern. The duty to retreat does not occur if you are within your dwelling or its curtilage or, if any other place, where you can do so with complete safety.

This bill also would create a presumption that an attacker intended to cause serious bodily injury. This raises many concerns and could result in unintended consequences. Vote 13-3.

Rep. Giuda inquired if Section 1, Paragraphs 1 through VII could be divided.

The Speaker ruled that the bill was divisible, and without objection, Section 1, Paragraphs 1 through VII would be considered at the present time.

The question now being adoption of the committee report of Inexpedient to Legislate on Section 1, Paragraphs I-VII.

Reps. Bicknell, Dickinson and Stevens spoke in favor.

On a division vote, 290 members having voted in the affirmative and 36 in the negative, Section 1 Paragraphs I through VII, were voted Inexpedient to Legislate.

The question now being adoption of the committee report of Inexpedient to Legislate on the remainder of the bill.

Rep. Dickinson spoke against and yielded to questions.

Rep. Stevens spoke in favor and yielded to questions.

Rep. James Wheeler requested a roll call; sufficiently seconded.

YEAS 194 NAYS 138**YEAS 194****BELKNAP**

Clark, Charles
Millham, Alida
Thomas, John

Fitzgerald, James
Morrison, Gail

Flanders, Donald
Nedeau, Stephen

Heald, Bruce
Russell, David

CARROLL

Brown, Carolyn
Patten, Betsey

Knox, J David
Philbrick, Donald

Martin, James
Stevens, Stanley

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Butynski, William
Espiefs, Peter
Pelkey, Stephen
Roberts, Kris

Chase, William
Foote, Sheila
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Stohl, Eric

Mears, Edgar
Theberge, Robert

Merrick, Scott
Tholl, John Jr

Remick, William

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	

HILLSBOROUGH

Allan, Nelson	Beaulieu, Jane	Campbell, David	Chase, Claudia
Christensen, D L Chris	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth	Golding, William
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Hebert, Raymond
Infantine, William	Irwin, Anne-Marie	Jean, Claudette	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Michon, Stephen	Moran, Edward
Movsesian, Lori	O'Connell, Timothy	Pappas, Christopher	Pilote, Maurice
Reeves, Sandra	Rochette, Eric	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Sullivan, Francis
Sullivan, Peter	Velez, Hector	Villeneuve, Maurice	Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Hess, David	Kidder, David
Klose, John	L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Buxton, Donald	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	Dalrymple, Janeen
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gilbert, Karl
Gould, Kenneth	Griffin, Mary	Ingram, Russell	Johnson, Robert
Katsakiores, Phyllis	Major, Norman	Mason, April	O'Neil, Michael
Pantelakos, Laura	Powers, James	Priestley, Anne	Robertson, Carl
Serlin, Christopher	Splaine, James	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David		

STRAFFORD

Beube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Callaghan, Frank	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Prichard, Stephen
Rodeschin, Beverly			

NAYS 138**BELKNAP**

Allen, Janet	Boyce, Laurie	Pilliod, James	Rosen, Ralph
Tilton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	McConkey, Mark
Merrow, Harry			

CHESHIRE

Eaton, Daniel	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			

COOS

Lary, Bruce	Morneau, Renney	Richardson, Herbert
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GRAFTON

Gionet, Edmond	Ingbretson, Paul	Mirski, Paul	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin
Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Christiansen, Lars
Clark, Mark	Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Goley, Jeffrey	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Holden, Randolph	Jasper, Shawn
Judy, Jean	Johnson, Paula	Kurk, Neal	Lawrence, James
Manney, Pamela	Matarazzo, Anthony Sr	Mead, Robert	Mooney, Maureen
O'Brien, William	Ober, Lynne	Pepino, Leo	Price, Pamela
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Shaw, Barbara
Shaw, Kimberly	Slocum, Lee	Souza, Kathleen	Tahir, Saghir
Ulery, Jordan	Vaillancourt, Steve	Wheeler, James	

MERRIMACK

Anderson, Eric	Currier, David	Field, William	Kennedy, Richard
Langlais, Thomas	Marple, Richard	Tupper, Frank	Whiting, Herbert

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Dumaine, Dudley
Forsing, Robert	Garrity, James	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Katsakiores, George	Lund, Howie	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Packard, Sherman	Palazzo, Frank	Quandt, Marshall Lee
Quandt, Matthew	Robinson, John	Rolston, James	Sanders, Elisabeth
Stiles, Nancy	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Zolla, William			

STRAFFORD

Brown, Julie	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Easson, Timothy	Hofemann, Roland	Hollinger, Jeffrey
Keans, Sandra	Newton, Clifford		

SULLIVAN

Converse, Larry	Irish, Christopher	Osgood, Philip Sr	Phinizy, James
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and the committee report of Inexpedient to Legislate was adopted on the remainder of the bill.

(Deputy Speaker Weyler in the Chair)

HB 1649-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lori A. Movsesian for the Majority of Criminal Justice and Public Safety: This bill would create the unintended consequence of creating personhood for a fetus. New Hampshire law already

imposes an additional penalty for assailants who commit a violent act toward a pregnant woman resulting in miscarriage or stillbirth. In 1991, New Hampshire passed laws that punish an assailant who "purposely or knowingly causes injury to another resulting in miscarriage or stillbirth" (RSA 631:2, I(e)). Such heinous crimes are already well defined within our penal code. The committee has had this legislation numerous times. It has been to interim study during 2004 and no legislation was recommended. The committee recognizes the tremendous loss a pregnant woman suffers when she loses her fetus through violent action. However, neither those in support of the bill's intent, or those opposed could craft an amendment that would recognize the loss without bestowing other legal rights to the fetus. Vote 8-5.

Rep. Maurice Villeneuve for the Minority of Criminal Justice and Public Safety: This bill does not create personhood under numerous United States Supreme Court decisions. All this bill does is acknowledge that the unborn child carried by a pregnant woman has value to the pregnant woman. The bill, as written following study, merely charges an individual with a crime when that individual kills a pregnant woman's child. All this bill does is recognize that there is an enhanced penalty for the taking of the life of a pregnant woman and/or her child. This is a pro-woman bill that differs extensively from current law and merely recognizes the tremendous loss a pregnant woman sustains with the loss of her child.

Reps. Souza, Ulery and Hagan spoke against.

Rep. Pantelakos spoke in favor.

Rep. Sorg requested a roll call; sufficiently seconded.

YEAS 212 NAYS 129

YEAS 212

BELKNAP

Allen, Janet	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Russell, David	Veazey, John	

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Hunt, John	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Stohl, Eric	Theberge, Robert
Tholl, John Jr			

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Campbell, David	Carter, Mark	Chase, Claudia	Christensen, D L Chris
Cote, David	Cote, Peter	Craig, James	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Egbers, Fran	Emerton, Larry	Essex, David	Foster, Linda

Gargasz, Carolyn
Gorman, Mary
Hebert, Raymond
Kopka, Angeline
Moran, Edward
Price, Pamela
Scanlon, Michael
Smith, David
Wheeler, Robert

Ginsburg, Ruth
Graham, John
Holden, Randolph
Kurk, Neal
Movsesian, Lori
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis

Golding, William
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Vaillancourt, Steve

Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Lessard, Rudy
Pappas, Christopher
Ryder, Donald
Shaw, Kimberly
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hess, David
Lockwood, Priscilla
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
MacKay, James
Oliver, James
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Klose, John
Marple, Richard
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Brueggemann, Donald
Foose, Robert
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Dowling, Patricia
Gilbert, Karl
Johnson, Robert
Moody, Marcia
Priestley, Anne
Scamman, W Douglas
Stone, Joseph

Belanger, Ronald
Charron, Gene
Flanders, John Sr
Gould, Kenneth
Katsakiores, George
O'Neil, Michael
Robertson, Carl
Serlin, Christopher
Weare, E Albert

Bishop, Franklin
Dalrymple, Janean
Flockhart, Eileen
Griffin, Mary
Major, Norman
Pantelakos, Laura
Robinson, John
Splaine, James

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Francoeur, Sheila
Hutchinson, Karen
McKinney, Betsy
Powers, James
Sanders, Elisabeth
Stiles, Nancy

STRAFFORD

Berube, Roger
Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, Judith

Bickford, David
Cilley, Jacalyn
Grassie, Anne
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Jennifer
Creteau, Irene
Heon, Richard
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Julie
Domingo, Baldwin
Hilliard, Dana
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

NAYS 129

BELKNAP

Boyce, Laurie
Heald, Bruce
Wendelboe, Fran

Clark, Charles
Rosen, Ralph
Whalley, Michael

Fitzgerald, James
Tilton, Franklin

Flanders, Donald
Tobin, William

CARROLL

Brown, Carolyn

Chandler, Gene

McConkey, Mark

Stevens, Stanley

CHESHIRE

Butynski, William
Sawyer, Sheldon

Foote, Sheila

Hogancamp, Deborah

Pelkey, Stephen

COOS

Morneau, Renney

Richardson, Herbert

GRAFTON

Ingbreton, Paul

Mirski, Paul

Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey

Adams, Jarvis IV

Allan, Nelson

Balboni, Michael

Batula, Peter

Bergeron, Jean-Guy

Biundo, Michael

Boehm, Ralph

Brassard, Paul

Brundige, Robert

Buhlman, David

Calawa, Leon Jr

Carew, James

Christiansen, Lars

Clark, Mark

Coughlin, Pamela

Crane, Elenore Casey

Dyer, Donald

Elliott, Nancy

Francoeur, Bea

Goyette, Peter Jr

Hagan, Barbara

Hawkins, Ken

Hellwig, Steve

Hinkle, Peyton

Hirschmann, Keith

Infantine, William

Jasper, Shawn

Jean, Claudette

Judy, Jean

Lawrence, James

Manney, Pamela

Matarazzo, Anthony Sr

Mead, Robert

Michon, Stephen

Mooney, Maureen

O'Brien, William

Ober, Lynne

Pepino, Leo

Pilotte, Maurice

Reeves, Sandra

Renzullo, Andrew

Ross, Lawrence

Rowe, Robert

Schulze, Joan

Slocum, Lee

Souza, Kathleen

Sullivan, Peter

Tahir, Saghir

Ulery, Jordan

Villeneuve, Maurice

Wheeler, James

MERRIMACK

Currier, David

Field, William

Kennedy, Richard

Langlais, Thomas

ROCKINGHAM

Allen, Mary

Bettencourt, David

Bicknell, Elbert

Buxton, Donald

Cady, Harriet

Camm, Kevin

Carson, Sharon

Coburn, James

Cooney, Richard

Dowd, John

Dumaine, Dudley

Fesh, Bob

Forsing, Robert

Garrity, James

Headd, James

Hopfgarten, Paul

Hughes, Daniel

Ingram, Russell

Introne, Robert

Itse, Daniel

Katsakiores, Phyllis

Lund, Howie

Mason, April

McMahon, Charles

Nowe, Ronald

Packard, Sherman

Palazzo, Frank

Qandt, Marshall Lee

Quandt, Matthew

Rolston, James

Waterhouse, Kevin

Welch, David

Weldy, Norman

Wells, Roger

Winchell, George

Zolla, William

STRAFFORD

Callaghan, Frank

Campbell, W Packy

Cataldo, Sam

Chaplin, Duncan

Easson, Timothy

Hofemann, Roland

Hollinger, Jeffery

Newton, Clifford

SULLIVAN

Donovan, Thomas

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

and the majority committee report was adopted.

HB 1314, relative to an adult roles and responsibilities curriculum. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul C. Ingbreton for the Majority of Education: This bill requires the Dept. of Education to suggest guidelines for the teaching of values related to parenting, marriage, and other family issues in public schools. For many, these are issues of faith that may conflict with values promoted at home. Secondly, the U.S. is last in basic education areas among the industrialized nations and highly illiterate yet this bill encourages taking more teaching time away from basics. Finally, this law is unnecessary: school districts now teach in these areas without Department of Education involvement. Vote 8-7.

Rep. Debra A. Naro for the Minority of Education: The minority of the committee supported a unanimous subcommittee report of ought to pass with amendment. The ultimate aim of this legislation is to help the students to achieve their full potential to have strong families, strong communities and strong workplaces. Existing research indicates that when fundamental life skills and effective communication skills are present in a student's life, the more positive the outcomes. These students are more likely to succeed in school, have good relationships with their peers and fami-

lies, be less likely to abuse alcohol and other drugs and be less likely to be school drop-outs. This bill respects and retains local control by requiring the State Board of Education to establish a practice guideline for dissemination and review by local school districts. Policy decisions regarding adoption remain with the local school boards.

Rep. Newton requested a roll call; sufficiently seconded.

YEAS 216 NAYS 121

YEAS 216

BELKNAP

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Flanders, Donald
Heald, Bruce	Millham, Alida	Morrison, Gail	Nedeau, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Kriox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dunn, J Timothy	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Pelkey, Stephen	Roberts, Kris	Sawyer, Sheldon

COOS

King, Frederick	Lary, Bruce	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr

GRAFTON

Andersen, Gene	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Mirski, Paul	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francoeur, Bea	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hall, Betty
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lawrence, James	Lessard, Rudy	Manney, Pamela	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Rochette, Eric
Rowe, Robert	Scanlon, Michael	Shaw, Barbara	Shaw, Kimberly
Slocum, Lee	Smith, David	Tahir, Saghir	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Hager, Elizabeth	Hess, David	Kennedy, Richard
Klose, John	L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Tilton, Joy	Tupper, Frank	Whiting, Herbert

ROCKINGHAM

Allen, Mary
 Bishop, Franklin
 Carson, Sharon
 DiFruscia, Anthony
 Flanders, John Sr
 Gilbert, Karl
 Hughes, Daniel
 Itse, Daniel
 Lund, Howie
 McMahon, Charles
 Palazzo, Frank
 Robertson, Carl
 Scamman, W Douglas
 Welch, David

Belanger, Ronald
 Buxton, Donald
 Coburn, James
 Dowd, John
 Forsing, Robert
 Griffin, Mary
 Hutchinson, Karen
 Johnson, Robert
 Major, Norman
 Nowe, Ronald
 Priestley, Anne
 Robinson, John
 Stone, Joseph
 Weldy, Norman

Bettencourt, David
 Cady, Harriet
 Cooney, Richard
 Dumaine, Dudley
 Francoeur, Sheila
 Headd, James
 Ingram, Russell
 Katsakiores, George
 Mason, April
 O'Neil, Michael
 Quandt, Marshall Lee
 Rolston, James
 Waterhouse, Kevin
 Wells, Roger

Bicknell, Elbert
 Camm, Kevin
 Dalrymple, Janeen
 Fesh, Bob
 Garrity, James
 Hopfgarten, Paul
 Introne, Robert
 Katsakiores, Phyllis
 McKinney, Betsy
 Packard, Sherman
 Quandt, Matthew
 Sanders, Elisabeth
 Weare, E Albert
 Winchell, George

STRAFFORD

Brown, Jennifer
 Chaplin, Duncan
 Easson, Timothy
 Hollinger, Jeffrey

Brown, Julie
 Creteau, Irene
 Heon, Richard
 Newton, Clifford

Campbell, W Packy
 Domingo, Baldwin
 Hilliard, Dana
 Smith, Marjorie

Cataldo, Sam
 Dunlap, Patricia
 Hofemann, Roland

SULLIVAN

Ferland, Brenda
 Rodeschin, Beverly

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

NAYS 121**BELKNAP**

Clark, Charles

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter
 Coates, Christopher
 Parkhurst, Henry
 Robertson, Timothy

Butcher, Suzanne
 Eaton, Daniel
 Plifka, Stanley Jr
 Tilton, Anna

Butynski, William
 Espiefs, Peter
 Pratt, John

Chase, William
 Foote, Sheila
 Richardson, Barbara

COOS

Buzzell, Bernard

Mears, Edgar

Theberge, Robert

GRAFTON

Almy, Susan
 Hammond, Lee
 Nordgren, Sharon

Benn, Bernard
 Harding, A Laurie
 Sokol, Hilda

Bleyler, Ruth
 McLeod, Martha
 Solomon, Peter

Cooney, Mary
 Mulholland, Catherine

HILLSBOROUGH

Allan, Nelson
 Campbell, David
 Cote, Peter
 Drisko, Richard
 Harvey, Suzanne
 Matarazzo, Anthony Sr
 Pappas, Christopher
 Ryder, Donald
 Sullivan, Peter

Baroody, Benjamin
 Carter, Mark
 Craig, James
 Egbers, Fran
 Jean, Claudette
 Michon, Stephen
 Pepino, Leo
 Schulze, Joan
 Velez, Hector

Beaulieu, Jane
 Chase, Claudia
 Daniuk, Caitlin
 Essex, David
 Jeudy, Jean
 Moran, Edward
 Pilote, Maurice
 Shattuck, Gilman

Brassard, Paul
 Cote, David
 DeVries, Betsi
 Gargas, Carolyn
 Lasky, Bette
 Movsesian, Lori
 Rosenwald, Cindy
 Sullivan, Francis

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Foose, Robert	French, Barbara	Gile, Mary	Hamm, Christine
Kidder, David	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Wallner, Mary Jane	Waltz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene
Flockhart, Eileen	Gould, Kenneth	Moody, Marcia	Pantelakos, Laura
Powers, James	Serlin, Christopher	Splaine, James	Stiles, Nancy
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Lawrence	Callaghan, Frank
Cilley, Jacalyn	Grassie, Anne	Johnson, Nancy	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the majority committee report was adopted.

SPECIAL ORDER

Rep. O'Neil moved that the House special order **HB 1236-FN-L**, relative to disclosure of public expenditures related to lobbying and electioneering, to its regular place in the calendar on March 22, 2006. On a division vote, 182 members having voted in the affirmative and 152 in the negative, the motion was adopted.

REGULAR CALENDAR**SPECIAL ORDERS (CONT'D.)**

HB 1304-FN, relative to the scope of registration of lobbyists and statements of lobbying activities. **REFER FOR INTERIM STUDY.**

Rep. Michael D. Whalley for Election Law: This bill would require that lobbying include activities influencing the executive branch and administrative agencies and those lobbyist statements include certain information and disclosures. The committee felt that lobbying activities as amended in SB 206 should satisfy the concerns of the sponsors. Activities influencing the executive branch are now included in the definition of lobbying. SB 206 also includes financial reporting requirements for lobbyists. However, the committee did feel that there may be some questions that may arise that deserve further review. Vote 15-1.
Committee report adopted.

HB 1490, relative to procedures on ethics violations by legislators. **INEXPEDIENT TO LEGISLATE.**
Rep. Richard B. Drisko for Election Law: This bill, although well intended, is only repeating what is in statute or practice. The available disciplinary actions are clear in current ethics guidelines and additional penalties have been established by practice. Appropriate actions may already be taken with regard to a legislator's leadership position by leadership or a more severe action by the full house or senate. Vote 9-6.
Committee report adopted.

HB 1567, relative to removing names from the checklist. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority of Election Law: The benefits of a statewide voter database that can be used for comparisons with the voter rolls of other states and to discover duplicative registrations within the state would evaporate unless there is the authority and a procedure to refresh local voter checklists. All information in the statewide voter database will be based entirely on the voter checklists of our towns and cities. If those checklists become dated, so too

will the statewide voter database. Recognizing this, the secretary of state requested that HB 1567 be filed. The bill, as amended, would allow anyone to submit a request for correction of the checklist. These requests will be considered at the next session of the checklist supervisors. At that next session and only if the supervisors have "a reasonable basis" to challenge a voter's registration, they then will follow a procedure of notice to the voter and opportunity of the voter to confirm his registration. The amendment to the bill that was adopted by the committee arose out of testimony by the representative of the secretary of state that the current practice of many checklist supervisors is to accept credible information from anyone to determine if a voter's presence on the checklist should be confirmed. The committee was told by the secretary of state's representatives that he would support confirming this practice in HB 1567. This bill does not mandate "investigation" of voters. Indeed, the word "investigate" is not used in the bill; rather it gives the checklist supervisors authority to contact voters to see if they still are residents. In this regard, the only act that the bill states supervisors "shall" do is give notice to voters before they remove the voter's name from the checklist. Further this enabling legislation does not present any Article 28A issue. It simply gives the supervisors of the checklist additional tools and a procedure to carry out the task already assigned to them, maintaining accurate voter rolls. Vote 11-6.

Rep. James R. Splaine for the Minority of Election Law: The amendment on this bill substantially changes the original bill making it into legislation that would allow anyone to challenge any voter who appears on the checklist. The supervisors of the checklist then "...shall..." investigate those voters so challenged. The minority believes this bill would further intimidate voters. We also believe that it creates a costly internal process for cities and towns, raising questions relating to 28A mandates, which the state should not obligate municipalities to pay for. This bill is simply not needed to ensure that voter checklists are clean and accurate because town and city clerks and supervisors for the checklists have all the authority they need to double-check compliance with state and local laws.

Majority Amendment (1085h)

Amend the bill by replacing section 1 with the following:

I New Section; Periodic Maintenance and Verification of Checklists; Request to Correct the Checklist. Amend RSA 654 by inserting after section 36 the following new section:

654:36-a Request to Correct the Checklist.

I. A supervisor of the checklist, the town or city clerk, or any other person, may submit a request for correction of the checklist to the supervisors of the checklist or to the town or city clerk based upon a reasonable belief that a person listed on the checklist is not qualified as a voter in the town or ward. The clerk shall forward requests for correction of the checklist to the supervisors of the checklist. At the next session of the supervisors, they shall examine the requests and determine if a reasonable basis exists to doubt the person's qualifications.

II.(a) If a reasonable basis exists to doubt the person's qualifications and the next election will not occur for more than 30 days after the determination by the supervisors, the supervisors shall send a notice to the person and afford the person at least 30 days to provide proof of his or her qualifications. If the person fails to respond to the 30-day notice or responds but fails to provide proof that establishes that it is more likely than not that the person is qualified to vote in the town or ward, the person's name shall be removed from the checklist.

(b) If a reasonable basis exists to doubt the person's qualifications and the next election will occur sooner than 30 days after the determination by the supervisors, the supervisors shall enter a challenge to the person with the moderator, and if the person appears to vote on election day or submits an absentee ballot, the challenge shall be processed in the manner provided by law.

AMENDED ANALYSIS

This bill authorizes any person to request that a person be removed from the checklist based on a reasonable belief that the person is not qualified as a voter in the town or ward.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Reps. Splaine and Claudia Chase spoke against.

Rep. O'Brien spoke in favor and yielded to questions.

Rep. Splaine requested a roll call; sufficiently seconded.

YEAS 195 NAYS 142**YEAS 195****BELKNAP**

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Heald, Bruce
Russell, David
Veazey, John

Clark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael

CARROLL

Babson, David Jr
Knox, J David
Patten, Betsey

Brown, Carolyn
Martin, James
Philbrick, Donald

Chandler, Gene
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Morrow, Harry

CHESHIRE

Emerson, Susan
Pelkey, Stephen

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney
Tholl, John Jr

Remick, William

GRAFTON

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond
Ward, John

Ingbretson, Paul
Williams, Burton

Mirski, Paul

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Boehm, Ralph
Calawa, Leon Jr
Christiansen, Lars
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Hagan, Barbara
Hinkle, Peyton
Jeudy, Jean
Lessard, Rudy
Moran, Edward
Price, Pamela
Scanlon, Michael
Vaillancourt, Steve

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Carew, James
Clark, Mark
Desmarais, Vivian
Elliott, Nancy
Golding, William
Hawkins, Ken
Hirschmann, Keith
Johnson, Paula
Manney, Pamela
O'Brien, William
Reeves, Sandra
Souza, Kathleen
Villeneuve, Maurice

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Goyette, Peter Jr
Hebert, Raymond
Infantine, William
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Tahir, Saghir
Wheeler, James

Balboni, Michael
Biundo, Michael
Buhlman, David
Christensen, D L Chris
Craig, James
Drisko, Richard
Francoeur, Bea
Graham, John
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Mooney, Maureen
Pepino, Leo
Rowe, Robert
Ulery, Jordan
Wheeler, Robert

MERRIMACK

Anderson, Eric
Hess, David
L'Heureux, Stephen
Marple, Richard

Blanchard, Elizabeth
Kennedy, Richard
Langlais, Thomas
Maxfield, Roy

Currier, David
Kidder, David
Lockwood, Priscilla
Whiting, Herbert

Field, William
Klose, John
MacKay, James

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Carson, Sharon
Dalrymple, Janeen
Dumaine, Dudley
Francoeur, Sheila

Belanger, Ronald
Buxton, Donald
Charron, Gene
DiFruscia, Anthony
Fesh, Bob
Garrity, James

Bettencourt, David
Cady, Harriet
Coburn, James
Dowd, John
Flanders, John Sr
Gilbert, Karl

Bicknell, Elbert
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Forsing, Robert
Griffin, Mary

Headd, James
Ingram, Russell
Katsakiores, George
Mason, April
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Welch, David
Zolla, William

Hopfgarten, Paul
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Packard, Sherman
Quandt, Matthew
Stone, Joseph
Weldy, Norman

Hughes, Daniel
Itse, Daniel
Lund, Howie
McMahon, Charles
Palazzo, Frank
Robertson, Carl
Waterhouse, Kevin
Wells, Roger

Hutchinson, Karen
Johnson, Robert
Major, Norman
Nowe, Ronald
Priestley, Anne
Rolston, James
Weare, E Albert
Winchell, George

STRAFFORD

Berube, Roger
Chaplin, Duncan

Brown, Julie
Easson, Timothy

Campbell, W Packy
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 142

BELKNAP

Millham, Alida

Morrison, Gail

CARROLL

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara

Butcher, Suzanne
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butynski, William
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Chase, William
Espiefs, Peter
Pratt, John

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
DeVries, Betsi
Ginsburg, Ruth
Harvey, Suzanne
Kopka, Angeline
McRae, Karen
Pappas, Christopher
Ryder, Donald
Shaw, Kimberly
Velez, Hector

Beaulieu, Jane
Cote, David
Egbers, Fran
Goley, Jeffrey
Holden, Randolph
Kurk, Neal
Michon, Stephen
Pilotte, Maurice
Schulze, Joan
Smith, David

Bergin, Peter
Cote, Peter
Essex, David
Gorman, Mary
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis

Campbell, David
Daniuk, Caitlin
Foster, Linda
Hall, Betty
Jean, Claudette
Matarazzo, Anthony Sr
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Bouchard, Candace
Foose, Robert
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
French, Barbara
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Clarke, Claire
Gile, Mary
Oliver, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

DeJoie, John
Hager, Elizabeth
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Gould, Kenneth
Robinson, John

Cali-Pitts, Jacqueline
Moody, Marcia
Serlin, Christopher

Casey, Kimberley
Pantelakos, Laura
Splaine, James

Flockhart, Eileen
Powers, James
Stiles, Nancy

STRAFFORD

Bickford, David
Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Brown, Jennifer
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the majority committee report was adopted.
Ordered to third reading.

HB 1258-FN-A, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. Charlotte-Houde Quimby for Executive Departments and Administration: This committee appreciates the benefits of periodic review for agencies and legislative oversight procedures. This bill, in conjunction with HB 1616FN, establishing a performance measurement system for state agencies, requires more extensive review. Therefore, the committee voted for interim study. Vote 14-0. Committee report adopted.

HB 1616-FN, establishing a performance measurement system for state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. James B. Coburn for Executive Departments and Administration: This bill would establish a performance measurement system that requires state agencies to identify program objectives and to measure program outcomes. There was an amendment submitted to establish a commission on the development of a performance measurement system for state government. The committee agrees that setting performance objectives for agency programs and measuring results or outcomes is important because it could help identify and remove failing programs. The committee felt that a successful program would require participation of performance management experts and ongoing action by the House. This activity will require long term cultural change with supporting administrative/IT resources. It requires state agency sponsorship. Vote 13-0.

Rep. Bergin spoke against.

On a division vote, 121 members having voted in the affirmative and 200 in the negative, the committee report failed.

Rep. Bergin moved Interim Study.

Motion adopted.

(Speaker Scamman in the Chair)

HB 1670-FN, relative to membership on certain professional regulatory boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Alida I. Millham for Executive Departments and Administration: The intent of this bill is to add a second public member to every professional board currently having only one. This would be done for the purpose of enhancing the transparent functioning of the board and allowing more public accountability. So doing required, in most cases, adding more regular members to protect the working balance of the board. In one case, it required disrupting a delicate balance between two branches of one profession. The cost of this move would be covered by an increase in the professional license fee. This kind of fee increase is not a problem in groups with many licensed members, but much more of a burden in small licensed groups. While considered to be a reasonable idea, a slim majority of the committee felt it was not workable across all the licensing boards. Vote 7-6. Committee report adopted.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill, as amended, is the result of many hours of collaborative effort among the sponsor, the Pari-Mutuel Commission, the Attorney General's office and the committee. This bill is about regulating what is already going on; it is not about expanding gambling. The bill gives the Pari-Mutuel Commission authority to administer and enforce "games of chance," with the assistance of the Attorney General's office and the local police chief. It will allow them to adopt rules similar to what is currently being done with Bingo and to better regulate the licensing process, game operations and operators, financial reporting, inspections, and criminal background checks. The bill places a \$300 a day limit on games of chance where chips have no monetary value such as "Texas hold-em tournaments" and "casino nights." The bill also establishes a "games of chance study commission" that will evaluate current regulations, look at establishing minimum amounts to be paid to charities, possible revenue streams and limits on wagering and prizes. The commission will complete its study and make recommendations for improvements within a year. Vote 17-1.

Amendment (1177h)

Amend the bill by replacing all after section 3 with the following:

4 Games of Chance; Enforcement. Amend RSA 287-D:1-a to read as follows:

287-D:1-a ~~[Administration and]~~ Enforcement. The *pari-mutuel commission, with the assistance of the attorney general and the [respective] chief of police of any city or town where games of chance are held*, shall administer and enforce the provisions of this chapter.

5 New Section; Rulemaking. Adopt RSA 287 by inserting after section 287-D:1-a the following new section:

287-D:1-b Rulemaking. The pari-mutuel commission shall adopt rules, pursuant to RSA 541-A, relative to:

- I. The application procedure for games of chance licenses for charitable organizations.
- II. Information to be required on license applications for games of chance licenses for charitable organizations
- III. The application procedure for games of chance licenses for game operators.
- IV. Information to be required on license applications for games of chance licenses for game operators.
- V. Procedures for a hearing following revocation of any license issued pursuant to this chapter.
- VI. The operation of games of chance.
- VII. The rental or lease of facilities pursuant to RSA 287-D:2-a, VI and the leasing or purchasing of equipment for use in games of chance.
- VIII. Refunds of license fees pursuant to RSA 287-D:2-d, VI.
- IX. Accountability controls to ensure game integrity, including, but not limited to, cash, attendance, prizes, income, expense and financial reporting, and record-keeping to be implemented by licensed charitable organizations and licensed game operators in addition to requirements set forth in RSA 287-D:5.

X. Enforcement of this chapter pursuant to RSA 287-D:6 and RSA 287-D:7.

XI. Background and criminal records checks pursuant to RSA 287-D:8.

XII. The issuance of subpoenas pursuant to RSA 287-D:9.

XIII. Other matters related to the proper administration of this chapter.

6 Games of Chance Authorized. Amend RSA 287-D:2, II to read as follows:

II. No one may apply for a license for the operation of games of chance without first obtaining written permission of the owner of the property where the games will be conducted. Such permission shall be acknowledged before a notary public or justice of the peace and shall be obtained on a form supplied by the ~~[chief of police of said city or town]~~ *pari-mutuel commission*.

7 Games of Chance; License Applications. Amend RSA 287-D:2-a to read as follows:

287-D:2-a License Applications.

I. Applications shall be submitted to the ~~[respective chief of police and to the attorney general]~~ *pari-mutuel commission* by an officer, director, or duly authorized official of the charitable organization. Proof of authority to submit the application on behalf of the charitable organization may be required. *The applicant shall send copies of the application submitted to the pari-mutuel commission to the attorney general and the chief of police of each city or town where games of chance are held.*

II. Applications shall be made only on the forms supplied to the charitable organization by the ~~[attorney general]~~ *pari-mutuel commission including, at a minimum, the following information provided that the commission may, by rule, establish additional items to be submitted on the application form or attached to it:*

(a) *If known, the date or dates and location or locations of each game of chance to be sponsored by the charity.*

(b) *A list of the names and addresses of the current bona fide members of the charity.*

(c) *The name of the New Hampshire bank and the bank account number for the account in which money from the game of chance will be deposited and withdrawn.*

(d) *The name, date of birth, and social security number of all bona fide charitable organization members who will participate in the operation of the games. The pari-mutuel commission shall keep as exempt from disclosure, pursuant to RSA 91-A, any social security numbers submitted.*

(e) *The name and address of any game operator who will be involved in the operation of the games.*

(f) *If any of the proposed games are to be held in a location licensed pursuant to RSA 287-D:2-a, VI, the name and address of the person or business from whom the space is being rented.*

(g) *If the charitable organization is buying or renting any equipment for the game of chance, the name and address of the seller or renter.*

III. No license shall be issued unless the application form is fully completed by the duly authorized officer, director, or official of the charitable organization.

IV. *Initial applications shall be received by the pari-mutuel commission at least 60 days before the first game date of the year. Each subsequent application shall be received by the [chief of police and attorney general] pari-mutuel commission [15 days prior to the first game date of each month] on or before December 1 for a license for games to be held during the following year. This requirement may be waived by the [attorney general] pari-mutuel commission for good cause shown.*

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Only bona fide members of the charitable organization *or persons complying with the requirements of RSA 287-D:2-c* will operate the games of chance.

(c) That neither the applicant nor any ~~[member of the charitable organization]~~ *person* who will be participating in the operation of the games of chance has been convicted of a ~~[felony or class A misdemeanor within the previous 10 years which has not been annulled by a court, or a class B misdemeanor within the past 5 years which has not been annulled by a court,]~~ *[a crime] felony within the previous 10 years which has not been annulled by a court or a misdemeanor involving falsehood or dishonesty within the previous 5 years which has not been annulled by a court,* or has violated any statutes or rules governing charitable gambling.

(d) The applicant or any ~~[member of the charitable organization]~~ *person* who will be participating in the operation of the games of chance is aware of all statutes and rules applicable to the operation of games of chance.

VI. *If a charitable organization intends to lease or rent premises for the conduct of any game of chance from an entity other than a charitable organization or governmental subdivision, the entity leasing or renting out the premises shall be licensed by the pari-mutuel commission. The license shall be applied for by filing an application supplied by the pari-mutuel commission. The pari-mutuel commission may issue a license for a period of one year which shall expire on June 30 of each year unless sooner revoked or suspended for just cause by the pari-mutuel commission.*

VII. To be eligible for licensure under this chapter, a charitable organization shall:

(a) Document that it is exempt from federal income tax.

(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the charitable organization is organized.

(c) Register, if required under RSA 7:19 – RSA 7:32, with the director of charitable trusts.

(d) Maintain a current list of bona fide members.

(e) Maintain a New Hampshire bank account solely in the name of the charitable organization in which the money from games of chance shall be deposited and withdrawn.

(f) Meet all other applicable requirements specified in this chapter and in rules adopted by the pari-mutuel commission.

VIII. No person shall be permitted to participate in the operation of a game of chance, unless that person is:

(a) Listed on the application form pursuant to subparagraph II(d), or added to the list pursuant to paragraph IX, and has submitted to a background and criminal record check pursuant to RSA 287-D:8; or

(b) A licensed game operator pursuant to RSA 287-D:2-c.

IX. The charitable organization may amend or supplement the list of members who will participate in the operation of a game of chance, pursuant to subparagraph II(d), up to 10 working days prior to any particular game.

X. At least 45 days prior to each game date, the charitable organization shall submit the date and location of the game of chance if this information has not already been submitted to the pari-mutuel commission pursuant to subparagraph II(a).

8 Operation of Games of Chance. Amend RSA 287-D:2-b, I and II to read as follows:

I.(a) Only persons complying with the requirements of RSA 287-D:2-c or bona fide members of charitable organizations shall operate games of chance; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required for any person not subject to the requirements of RSA 287-D:2-c.

(b) Notwithstanding subparagraph (a), if, by reason of the established criteria for membership, all bona fide members of the charitable organization are physically or mentally disabled, or both, the officers, directors, or authorized officials of the charitable organization may designate individuals to conduct the operation of games of chance on behalf of said charitable organization. Individuals so designated are subject to all applicable provisions of this chapter, shall be listed pursuant to RSA 287-D:2-a, II(b) or RSA 287-D:2-a, IX, and the designation of such individuals is subject to the approval of the [chiefs of police] *pari-mutuel commission*.

(c) Notwithstanding subparagraph (a), all charitable organizations that conduct games of chance for charitable purposes may allow spouses, sons, and daughters of bona fide members who are at least 18 years of age to assist with the operation of the games of chance. ~~[A list of the names of the persons assisting shall be submitted to the chief of police prior to the scheduled game of chance event.]~~ These spouses, sons, and daughters are subject to all applicable provisions of this chapter, shall be listed pursuant to RSA 287-D:2-a, II(b) or RSA 287-D:2-a, IX, and are subject to the approval of the *pari-mutuel commission*.

II. No compensation shall be paid to operators of a game of chance *unless agreed to in advance in writing by the charity*. Compensation shall include, but is not necessarily limited to, money or any other thing of value. *If the paid game operator's compensation is contingent upon the amount of revenue received from a game of chance, the compensation shall be a fixed percentage of the gross revenue from the game of chance excluding the paid game operator's expenses. If the compensation of a paid game operator is not contingent upon the amount of revenue received, the compensation shall be a reasonable estimate, expressed as a percentage of the gross revenue. The contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the paid game operator regarding the services to be provided and the past performance of games of chance operated by the paid game operator.*

II-a. Unless otherwise agreed to in advance, pursuant to paragraph II, in writing by the charitable organization, operators of games of chance may be reimbursed for their out-of-pocket expenses in an amount not to exceed \$[8]25 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

9 New Paragraphs; Operation of Games of Chance. Amend RSA 287-D:2-b by inserting after paragraph VI the following new paragraphs:

VII. Only the treasurer of the charitable organization or a bona fide member of the charitable organization designated by the treasurer, shall handle any monetary transactions related to the game of chance.

VIII. The charitable organization shall deposit cash and proceeds from a game of chance into the New Hampshire bank account required by RSA 287-D:2-a, VII(e). All expenses, including prizes of more than \$500.00, game operator fees, and equipment and hall rental fees shall be paid by check from that New Hampshire bank account. The treasurer of the charitable organization shall document all prizes awarded as prescribed in rules adopted by the *pari-mutuel commission*.

IX. All game of chance paraphernalia or related equipment used in conducting games of chance shall be subject to inspection and approval by the pari-mutuel commission.

X. The charitable organization shall keep a record of all persons participating in the operation of a game of chance, including but not limited to, the date and location of the game and the person's name, address, telephone number, and type of participation in the game.

XI. For games where chips have no monetary face value, the charitable organization may offer any number of games per game date up to a limit of \$300 per person including buy-ins and re-buys.

10 New Section; Licensing of Game Operators. Adopt RSA 287-D:2-c by inserting after section 287-D:2-b the following new sections:

287-D:2-c Licensing of Game Operators.

I. As used in this section, game operators means any consultant or any person other than a bona fide member of the charitable organization involved in conducting, managing, supervising, directing, or running the games of chance, and those involved in such tasks as dealing, running a roulette wheel, handling chips, and serving beverages or food.

II. Applications shall be made only on the forms supplied to the game operator by the pari-mutuel commission including, at a minimum, the following information provided that the pari-mutuel commission may, by rule, establish additional items to be submitted on the application form or attached to it:

(a) The name of the game operator.

(b) The name of the game operator's employer and the employer's address and telephone number.

(c) A list of the games of chance in which the game operator will participate including the date of the game, the location of the game, and the charitable organization holding the game.

(d) A list of any other states in which the game operator has been registered or licensed as a professional fundraiser, professional game operator, or other similar position.

(e) Whether a registration or license listed in subparagraph (d) has been denied, suspended, revoked, or enjoined by a court or state agency, or if such proceedings are pending; and

(f) The names and addresses of any individuals with whom the applicant is affiliated in the fundraising or game operating business.

III. No person shall be permitted to participate in the operation of a game of chance as a game operator, unless that person:

(a) Is listed on a charitable organization's application form pursuant to RSA 287-D:2-a, II(e);

(b) Has submitted a background and criminal check pursuant to RSA 287-D:8; and

(c) Is a licensed game operator pursuant to this section.

IV. Initial applications shall be received by the pari-mutuel commission at least 60 days before the first game date of the year. Each subsequent application shall be received by the pari-mutuel commission on or before December 1 for a license for games to be held during the following year.

V. The game operator or the game operator's employer shall submit a \$20,000 bond to the pari-mutuel commission with the application form.

287-D:2-d License Fees and Specifications.

I. An applicant for a charitable organization license under RSA 287-D:2-a shall apply to the pari-mutuel commission, and upon payment of a fee of \$25 per game date and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year to operate games of chance for 10 days, which 10 days need not be consecutive. A license issued under RSA 287-D:2-a shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved.

II. An applicant for a game of chance facility license under RSA 287-D:2-a, VI shall apply to the pari-mutuel commission, and upon payment of a fee of \$250 per year and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-a, VI shall expire on June 30.

III. An applicant for a game operator license under RSA 287-D:2-c shall apply to the pari-mutuel commission, and upon payment of a fee of \$500 per year and if the applicant meets all other requirements of this chapter, a license shall be issued. Only one license shall be issued to each applicant per year. A license issued under RSA 287-D:2-c shall expire on December 31. The pari-mutuel commission shall notify the attorney general and police chief of any city or town where games of chance are held of any applications approved. RSA 7:28-c shall not apply to game operator licensees subject to this chapter.

IV. A license issued under RSA 287-D:2-a shall authorize games at specific times on specific dates at specific locations.

V. No more than 2 licensed charitable organizations may conduct games of chance at any one location on any specified date.

VI. Any license issued under RSA 287-D:2-a or RSA 287-D:2-c shall not be transferable and the fees for the license shall not be refunded except for good cause shown as specified in rules adopted by the pari-mutuel commission.

11 New Paragraphs; Equipment; Wagering; Prizes; Facilities. Amend RSA 287-D:3 by inserting after paragraph V the following new paragraphs:

VI. Any contract for the rental of a facility for a game of chance shall be independent of any contract for the rental of equipment. Those contracts shall not be contingent upon the charitable organization's agreement that it will contract with a particular business for a particular facility or equipment.

VII. A charitable organization shall only rent a facility by means of a fixed rental payment. The fixed rental payment shall not be based on a percentage of what the charitable organization receives from the game of chance and it shall reflect fair rental value of the property for any use not just as a place to hold a game of chance. Any rental entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the pari-mutuel commission.

12 Fees; Financial Reports and Inspections. RSA 287-D:5 is repealed and reenacted to read as follows:

287-D:5 Financial Reports and Inspections.

I. A charitable organization shall submit a complete financial report for each license issued under RSA 287-D:2 and RSA 287-D:2-a to the pari-mutuel commission on forms supplied to the charitable organization by the pari-mutuel commission within 30 days of the end of each month during which a game of chance was held.

II. The financial report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify such accounting under oath.

III. The financial report shall include:

- (a) A complete statement of all revenues and expenses.
- (b) A record of the amount of prizes awarded.
- (c) The names and addresses of the members who participated in the games of chance.
- (d) The name and address of any fundraising counsel or game operator involved in conducting the games of chance.

IV. The charitable organization shall retain canceled checks for the payment of expenses and prizes for a period of 2 years.

V. All financial reports filed by charitable organizations shall be maintained by the pari-mutuel commission for a period of one year from the date of filing and shall be open to public inspection.

VI. All financial records pertaining to the games of chance shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer, or official of the charitable organization and shall be made available to the pari-mutuel commission, the attorney general or the chief of police of any city or town where games of chance are held upon request. The pari-mutuel commission may audit such financial records.

VII. A charitable organization shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

13 New Paragraph; Penalties; Suspension; and Revocation. Amend RSA 287-D:6 by inserting after paragraph II the following new paragraph:

III. The pari-mutuel commission may suspend or revoke the license of any licensee who violates any provision of this subdivision or for just cause shown. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

14 New Section; Rehearing and Appeal. Amend RSA 287-D by inserting after section 6 the following new sections:

287-D:7 Rehearing and Appeal. Any person aggrieved by a decision of the pari-mutuel commission to deny or revoke a license issued pursuant to this chapter may apply to the pari-mutuel commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

287-D:8 Background and Criminal Records Check.

I. All applicants for a license pursuant to this chapter shall submit to the pari-mutuel commission with their license application a New Hampshire department of safety, division of state police, notarized criminal record release authorization form.

II. Upon receipt of an applicant's criminal record information, the pari-mutuel commission shall make a determination of eligibility for licensure.

III. All applicants shall also be subject to a background check by the pari-mutuel commission to determine if they are eligible for licensure under this chapter.

287-D:9 Subpoenas. The pari-mutuel commission may issue subpoenas for witnesses and for documents relative to investigations or adjudicatory hearings held by the pari-mutuel commission.

15 Games of Chance Study Commission Established. There is established a games of chance study commission to evaluate the effect of this legislation on games of chance.

I. The members of the games of chance study commission shall be as follows:

(a) Three members of the house of representatives, 2 of who shall be from the house executive department and administration committee and one of whom shall be from the ways and means committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) A commissioner from the pari-mutuel commission, chosen by the pari-mutuel commission chairman.

(d) The executive director of the pari-mutuel commission, or the director's designee.

(e) One member from the gaming industry who represents companies presently involved in games of chance appointed by the chairman of the pari-mutuel commission.

(f) Two persons representing the charities who are currently involved in the operation of games of chance, appointed by the attorney general.

(g) One member of the New Hampshire Police Chief's Association who has experience with games of chance held in his or her community appointed by the association.

(h) One representative of the department of justice, appointed by the attorney general.

II. Legislative members of the games of chance study commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The games of chance study commission shall evaluate the effect of this legislation on games of chance. The commission shall solicit input from the regulated community to assist the commission. The commission shall also solicit input from individuals with experience relevant to implementation, administration, and enforcement of RSA 287-D, as deemed necessary by the games of chance study commission. The games of chance commission shall also study:

(a) The establishment of minimal amounts to be paid to charity.

(b) The existence of possible streams of state revenue.

(c) Limits on wagering, prizes, and any other pertinent issues regarding revenue.

(d) Any other areas the commission deems related to the effect of this act on games of chance.

IV. The members of the games of chance study commission shall elect a chairperson from among the members. The first meeting of the commission shall be held within 60 days of the effective date of this section. The chairperson of the commission shall hold meetings no less than once per quarter. Six members of the commission shall constitute a quorum.

V. The games of chance study commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before July 1, 2007.

16 Effective Date. This act shall take effect July 1, 2006.

Amendment adopted.

Rep. Kirk offered floor amendment (1260h).

Floor Amendment (1260h)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-16 to read as 2-17, respectively:

1 Findings and Purpose. The legislature finds that:

I.(a) Charitable organizations provide important and necessary educational, religious, and social services to the people of this state;

(b) Charitable gaming has been authorized in this state for the specific purposes of affording charitable organizations an alternative method of raising funds so that they may further the purpose for which they were established;

(c) Increasingly, a large percentage of the proceeds of charitable games are being diverted away from the charitable organizations to private businesses; and

(d) Uniform regulation for the conduct of charitable games of chance is in the best interest of charitable organizations and the people of the state.

II. The 2006 amendments to RSA 287-D made by this act are enacted with the purposes to ensure that charitable organizations that sponsor games of chance obtain the maximum possible financial return, and to protect the interest of the public by ensuring the integrity of such games. The provisions of RSA 287-D shall be liberally interpreted, construed, and administered to effectuate these purposes. Amend RSA 287-D:3 as inserted by section 12 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The charitable organization shall retain no less than 40 percent of the gross revenues less any prizes paid for any game date on which game operators licensed under RSA 287-D:2-c are involved in any capacity. Such revenues shall be used by the organization to advance its charitable purpose. Reps. Kurk and Fitzgerald spoke in favor.

Floor amendment (1260h) adopted.

Committee report adopted and ordered to third reading.

HJR 20, supporting stem cell research. MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Hilda W. Sokol for the Majority of Health, Human Services and Elderly Affairs: This resolution strongly endorses and supports stem cell research which has the potential of leading to medical therapies for the prevention and treatment of numerous different debilitating diseases and conditions, bringing new hope to many people. If passed by the NH Senate and House of Representatives, a copy will be sent to the President and Vice-President of the United States, the Speaker of the U. S. House of Representatives and the NH Congressional delegation to encourage our federal government to provide funding for this promising research. Vote 11-3.

Rep. April H. Mason for the Minority of Health, Human Services and Elderly Affairs: The minority of the committee supported an amendment that encouraged research in adult stem cells including umbilical cords, umbilical cord blood and placentas. Adult stem cells have proven benefits in human patients with new uses consistently being found. The minority of the committee felt we could be united, as a matter of public policy, and support the use of adult stem cell research. The amendment failed on a 7-7 vote. The minority of the committee does not support the use of embryonic stem cell research. To date, proven results have come from adult stem cell research while there continues to be much debate on the benefits of embryonic stem cell research. Many states have passed legislation limiting stem cell research to adults, recognizing the controversy and potential unintended consequences of supporting embryonic stem cell research. The overwhelming public testimony heard in committee did not support embryonic stem cell research, but did support adult stem cell research including umbilical cords, umbilical cord blood and placentas. In conclusion, the minority of the committee felt that supporting this resolution in its original form included embryonic stem cell research, and therefore, could not support it.

Rep. Mason offered floor amendment (0910h).

Minority Amendment (0910h)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION supporting adult stem cell research.

Amend the resolution by replacing all after the title with the following:

Whereas, in recent years it has been demonstrated that significant advancement in the treatment and prevention of a multitude of tragically debilitating conditions can be enhanced through the use of adult stem cell multipotential therapy; and

Whereas, several states have endorsed and funded adult stem cell research; and

Whereas, the encouragement of adult stem cell research would be economically beneficial to the state of New Hampshire through entrepreneurial activity in the field of bio-medical research; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of New Hampshire strongly endorses and supports adult stem cell research, including the use of stem cells from umbilical cords, umbilical cord blood, and placentas; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

AMENDED ANALYSIS

This house joint resolution supports adult stem cell research.
 Reps. Buxton and Pilliod spoke against.
 Reps. Mason and Souza spoke in favor.
 Rep. Boyce requested a roll call; sufficiently seconded.

YEAS 111 NAYS 216**YEAS 111****BELKNAP**

Boyce, Laurie	Clark, Charles	Fitzgerald, James	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Brown, Carolyn	Knox, J David	Martin, James	McConkey, Mark
Stevens, Stanley			

CHESHIRE

Butynski, William	Coates, Christopher	Hogancamp, Deborah	Pelkey, Stephen
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COOS

Richardson, Herbert	Stohl, Eric
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GRAFTON

Ingbreton, Paul	Mirski, Paul	Sorg, Gregory
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HILLSBOROUGH

Aboshar, Jeffrey	Adams, Jarvis IV	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Buhlman, David	Calawa, Leon Jr	Carew, James	Clark, Mark
Crane, Elenore Casey	Dyer, Donald	Elliott, Nancy	Hagan, Barbara
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Infantine, William
Jasper, Shawn	Judy, Jean	Johnson, Paula	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	O'Brien, William
Ober, Lynne	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Slocum, Lee	Souza, Kathleen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Field, William	Langlais, Thomas	Whiting, Herbert
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ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Cady, Harriet	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Dalrymple, Janeen	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Garrity, James	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Ingram, Russell	Introne, Robert
Itse, Daniel	Johnson, Robert	Katsakiores, Phyllis	Lund, Howie
Mason, April	McMahon, Charles	Nowe, Ronald	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Rolston, James	Stiles, Nancy
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Weyler, Kenneth	Winchell, George		

STRAFFORD

Berube, Roger	Callaghan, Frank	Chaplin, Duncan	Easson, Timothy
Hofemann, Roland	Hollinger, Jeffrey	Newton, Clifford	

SULLIVAN

Donovan, Thomas	Osgood, Philip Sr
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NAYS 216**BELKNAP**

Allen, Janet	Flanders, Donald	Heald, Bruce	Willham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John		

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Foote, Sheila	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Morneau, Renney	Remick, William	Tholl, John Jr

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Ward, John	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Brundige, Robert	Campbell, David	Chase, Claudia	Christiansen, Lars
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Francoeur, Bea	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hall, Betty	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hebert, Raymond	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lasky, Bette	Lawrence, James	Lessard, Rudy	Matarazzo, Anthony Sr
Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pepino, Leo	Rochette, Eric	Rosenwald, Cindy
Ross, Lawrence	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kennedy, Richard	Kidder, David	Klose, John	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Oliver, James	Osborne, Jessie	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Buxton, Donald	Cali-Pitts, Jacqueline
Casey, Kimberley	Cooney, Richard	DiFruscia, Anthony	Dowd, John

Dowling, Patricia
Gilbert, Karl
Major, Norman
Pantelakos, Laura
Robinson, John
Stone, Joseph

Flanders, John Sr
Gould, Kenneth
McKinney, Betsy
Powers, James
Sanders, Elisabeth
Wells, Roger

Flockhart, Eileen
Hutchinson, Karen
Moody, Marcia
Priestley, Anne
Serlin, Christopher
Zolla, William

Francoeur, Sheila
Katsakiores, George
Packard, Sherman
Robertson, Carl
Splaine, James

STRAFFORD

Bickford, David
Cataldo, Sam
Dunlap, Patricia
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Hilliard, Dana
Miller, Joseph
Smith, Marjorie

Brown, Julie
Creteau, Irene
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Keans, Sandra
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

and the minority committee amendment (0910h) failed.

The question now being adoption of the majority committee report.

Majority committee report adopted and ordered to third reading.

Rep. Coates notified the Clerk that he voted Yea and intended to vote Nay.

CACR 34, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John B. Hunt for the Majority of Judiciary: Currently New Hampshire laws require that a marriage is between one man and one woman and if any other state does something different it would not be recognized in New Hampshire. The sponsors of this constitutional amendment feel that it is critical that New Hampshire pass a preventative amendment before the New Hampshire Supreme Court may do the same as other courts have in other states in requiring same sex marriage. However, the majority of the committee felt that this amendment would also preclude the legislature from creating any other forms of "union." The majority voted against this CACR for several reasons. Traditionally the State Constitution has been perceived as a protector for minority rights and the idea that an amendment would take away a minority right would seem to be an anathema. CACR 34 is clearly discriminatory to a particular class of people. The majority of the committee feels that this "House of the People" should not enshrine discrimination of any kind in our NH Constitution. All our citizens deserve the freedoms, protections and rights guaranteed in our constitution. The majority feels that the constitution should not be used to reflect current social policy trends of the day so that future generations would be unable to change to reflect different trends. Amending the constitution should not be taken lightly and there is no guarantee that attempting to preempt future court action would be successful. A Franklin Pierce Law Center professor astutely observed that the quickest, surest way to involve the New Hampshire Supreme Court in this matter is to pass a constitutional amendment on the subject. When the proponents argue that the issue of same sex marriage should be put to a vote of the people, they are ignoring that this is a citizen legislature of four hundred and twenty-four from all different backgrounds. We are "the people" elected to address social policy in legislation, and, on the subject of this CACR, the people have spoken. The defeat of this amendment should not be interpreted as the legislature's lack of support for marriage between one man and one woman but rather a clear message to the court that the Legislature does reflect the will of the people and the protection of their rights. There is no need for this CACR or for the courts to change New Hampshire law. Vote 14-7.

Rep. Nancy J. Elliot for the Minority of Judiciary: Regardless of your personal feelings on this issue, either you will allow the people to decide our state's definition of marriage or you will allow the courts to decide. This amendment defines marriage as the union between one man and one woman. It would prevent a court challenge in NH similar to the ones currently occurring in over a dozen states regarding separate but equal definitions of marriage and civil unions/domestic part-

nerships. The amendment prevents a court decision similar to the one in California, which ruled that having two separate institutions, marriage and civil unions have the exact same benefits, was discriminatory. As stated in the media, same sex couples married in MA, are poised to move to NH and use the courts to get their "marriages" legally recognized in NH. Unlike what happened in MA, the NH legislature has the perfect opportunity this year to put this vital decision in the hands of the people whom we serve and represent. If you withhold from the people the permission to vote on this important issue, the courts will force same sex marriage upon our constitution, just like MA. Let's not be like MA; let the people vote!

Rep. Balboni spoke against and yielded to question.

Rep. Sorg spoke against.

Rep. Desmarais spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Hutchinson moved that **CACR 34**, relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state be laid on the table.

Rep. James Wheeler requested a roll call; sufficiently seconded.

YEAS 55 NAYS 277

YEAS 55

BELKNAP

Flanders, Donald
Veazey, John

Millham, Alida

Russell, David

Thomas, John

CARROLL

Brown, Carolyn

Chandler, Gene

Patten, Betsey

CHESHIRE

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick

Remick, William

Tholl, John Jr

GRAFTON

Williams, Burton

HILLSBOROUGH

Bergin, Peter
Desmarais, Vivian
Hall, Betty
Price, Pamela

Calawa, Leon Jr
Emerton, Larry
Holden, Randolph

Carew, James
Gargas, Carolyn
Lessard, Rudy

Christensen, D L Chris
Ginsburg, Ruth
Ober, Lynne

MERRIMACK

Blanchard, Elizabeth
Maxfield, Roy

Kennedy, Richard
Whiting, Herbert

Klose, John

MacKay, James

ROCKINGHAM

Bicknell, Elbert
Gould, Kenneth
Nowe, Ronald
Rolston, James

DiFruscia, Anthony
Hutchinson, Karen
O'Neil, Michael
Weare, E Albert

Dowling, Patricia
Johnson, Robert
Palazzo, Frank
Wells, Roger

Francoeur, Sheila
Major, Norman
Priestley, Anne
Weyler, Kenneth

STRAFFORD

Bickford, David
Keans, Sandra

Chaplin, Duncan

Domingo, Baldwin

Dunlap, Patricia

SULLIVAN

Gale, Harry

NAYS 277**BELKNAP**

Allen, Janet
Heald, Bruce
Rosen, Ralph
Whalley, Michael

Boyce, Laurie
Morrison, Gail
Tilton, Franklin

Clark, Charles
Nedeau, Stephen
Tobin, William

Fitzgerald, James
Pilliod, James
Wendelboe, Fran

CARROLL

Babson, David Jr
Martin, James
Philbrick, Donald

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Merrrow, Harry

Knox, J David
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Espiefs, Peter
Pelkey, Stephen
Roberts, Kris

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Plika, Stanley Jr
Robertson, Timothy

Butynski, William
Eaton, Daniel
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Chase, William
Emerson, Susan
Parkhurst, Henry
Richardson, Barbara

COOS

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott

Morneau, Renney

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Sorg, Gregory

Andersen, Gene
Eaton, Stephanie
Ingbretson, Paul
Nordgren, Sharon

Benn, Bernard
Gionet, Edmond
McLeod, Martha
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee
Mirski, Paul
Solomon, Peter

HILLSBOROUGH

Aboshar, Jeffrey
Barry, J Gail
Boehm, Ralph
Campbell, David
Clark, Mark
Craig, James
Dokmo, Cynthia
Elliott, Nancy
Goley, Jeffrey
Hagan, Barbara
Hebert, Raymond
Infantine, William
Judy, Jean
L'Heureux, Robert
Matarazzo, Anthony Sr
Mooney, Maureen
O'Connell, Timothy
Renzullo, Andrew
Rowe, Robert
Shattuck, Gilman
Smith, David
Tahir, Saghir
Villeneuve, Maurice

Adams, Jarvis IV
Batula, Peter
Brassard, Paul
Carter, Mark
Cote, David
Crane, Elenore Casey
Drisko, Richard
Essex, David
Gorman, Mary
Hansen, Ryan
Hellwig, Steve
Irwin, Anne-Marie
Johnson, Paula
Lasky, Bette
McRae, Karen
Moran, Edward
Pappas, Christopher
Rochette, Eric
Ryder, Donald
Shaw, Barbara
Souza, Kathleen
Ulery, Jordan
Wheeler, James

Balboni, Michael
Bergeron, Jean-Guy
Brundige, Robert
Chase, Claudia
Cote, Peter
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Goyette, Peter Jr
Harvey, Suzanne
Hinkle, Peyton
Jasper, Shawn
Kopka, Angeline
Lawrence, James
Mead, Robert
Movsesian, Lori
Pepino, Leo
Rosenwald, Cindy
Scanlon, Michael
Shaw, Kimberly
Sullivan, Francis
Vaillancourt, Steve
Wheeler, Robert

Baroody, Benjamin
Biundo, Michael
Buhlman, David
Christiansen, Lars
Coughlin, Pamela
DeVries, Betsi
Egbers, Fran
Golding, William
Graham, John
Hawkins, Ken
Hirschmann, Keith
Jean, Claudette
Kurk, Neal
Manney, Pamela
Michon, Stephen
O'Brien, William
Reeves, Sandra
Ross, Lawrence
Schulze, Joan
Slocum, Lee
Sullivan, Peter
Velez, Hector

MERRIMACK

Anderson, Eric
DeJoie, John
French, Barbara
Hess, David

Bouchard, Candace
DeStefano, Stephen
Gile, Mary
Kidder, David

Brueggemann, Donald
Field, William
Hager, Elizabeth
Langlais, Thomas

Clarke, Claire
Foosse, Robert
Hamm, Christine
Lockwood, Priscilla

Marple, Richard
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Oliver, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Camm, Kevin
Coburn, James
Dumaine, Dudley
Forsing, Robert
Griffin, Mary
Introne, Robert
Lund, Howie
Moody, Marcia
Quandt, Marshall Lee
Sanders, Elisabeth
Stone, Joseph
Winchell, George

Allen, Mary
Buxton, Donald
Carson, Sharon
Cooney, Richard
Fesh, Bob
Garrrity, James
Hopfgarten, Paul
Itse, Daniel
Mason, April
Packard, Sherman
Quandt, Matthew
Serlin, Christopher
Waterhouse, Kevin
Zolla, William

Belanger, Ronald
Cady, Harriet
Casey, Kimberley
Dalrymple, Janeen
Flanders, John Sr
Gilbert, Karl
Hughes, Daniel
Katsakiores, George
McKinney, Betsy
Pantelakos, Laura
Robertson, Carl
Splaine, James
Welch, David

Bettencourt, David
Cali-Pitts, Jacqueline
Charron, Gene
Dowd, John
Flockhart, Eileen
Gillick, Thomas
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Powers, James
Robinson, John
Stiles, Nancy
Weldy, Norman

STRAFFORD

Berube, Roger
Callaghan, Frank
Creteau, Irene
Hollinger, Jeffrey
Newton, Clifford
Smith, Marjorie

Brown, Jennifer
Campbell, W Packy
Easson, Timothy
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Julie
Cataldo, Sam
Hilliard, Dana
Knowles, William
Rous, Emma
Taylor, Kathleen

Brown, Lawrence
Cilley, Jacalyn
Hofemann, Roland
Miller, Joseph
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Houde-Quimby, Charlotte
Phinizy, James

Donovan, Thomas
Irish, Christopher
Prichard, Stephen

Ferland, Brenda
Jillette, Arthur Jr
Rodeschin, Beverly

and the motion failed.

Rep. Gibson did not vote and notified the Clerk that he wished to be recorded against.

The question now being adoption of the majority committee report.

Reps. David Smith, Mark Clark and Itse spoke against.

Reps. Kennedy and Welch spoke in favor.

Rep. Buhlman requested a roll call; sufficiently seconded.

YEAS 207 NAYS 125

YEAS 207

BELKNAP

Allen, Janet
Nedeau, Stephen
Veazey, John

Flanders, Donald
Pilliod, James

Millham, Alida
Russell, David

Morrison, Gail
Thomas, John

CARROLL

Brown, Carolyn
Knox, J David
Patten, Betsey

Buco, Thomas
Martin, James

Chandler, Gene
Morrow, Harry

Dickinson, Howard
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Coates, Christopher
Foote, Sheila
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Eaton, Daniel
Hunt, John
Pratt, John
Sawyer, Sheldon

Chase, William
Espieffs, Peter
Mitchell, Bonnie
Richardson, Barbara

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Tholl, John Jr

GRAFTON

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
Mulholland, Catherine
Williams, Burton

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Christensen, D L Chris
Daniuk, Caitlin
Drisko, Richard
Francoeur, Bea
Gorman, Mary
Holden, Randolph
Lasky, Bette
Movsesian, Lori
Rochette, Eric
Schulze, Joan
Sullivan, Francis

Bergin, Peter
Cote, David
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Hall, Betty
Irwin, Anne-Marie
Lessard, Rudy
O'Connell, Timothy
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Peter

Campbell, David
Cote, Peter
DeVries, Betsi
Essex, David
Ginsburg, Ruth
Harvey, Suzanne
Jean, Claudette
Matarazzo, Anthony Sr
Pappas, Christopher
Ryder, Donald
Shaw, Barbara
Vaillancourt, Steve

Chase, Claudia
Craig, James
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Hebert, Raymond
Kopka, Angeline
Michon, Stephen
Price, Pamela
Scanlon, Michael
Shaw, Kimberly
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
Marple, Richard
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Klose, John
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Clarke, Claire
French, Barbara
Kennedy, Richard
MacKay, James
Oliver, James
Rush, Deanna
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Dowling, Patricia
Gilbert, Karl
Katsakiores, George
Nowe, Ronald
Priestley, Anne
Sanders, Elisabeth
Welch, David

Belanger, Ronald
Charron, Gene
Flanders, John Sr
Gould, Kenneth
Katsakiores, Phyllis
O'Neil, Michael
Robertson, Carl
Serlin, Christopher
Wells, Roger

Bicknell, Elbert
Dalrymple, Janeen
Flockhart, Eileen
Hutchinson, Karen
Major, Norman
Pantelakos, Laura
Robinson, John
Splaine, James

Cali-Pitts, Jacqueline
DiFruscia, Anthony
Francoeur, Sheila
Johnson, Robert
Moody, Marcia
Powers, James
Rolston, James
Weare, E Albert

STRAFFORD

Berube, Roger
Brown, Lawrence
Dunlap, Patricia
Keans, Sandra
Rous, Emma
Taylor, Kathleen

Bickford, David
Cilley, Jacalyn
Hilliard, Dana
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Miller, Joseph
Smith, Marjorie

Brown, Julie
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Prichard, Stephen

Ferland, Brenda
Irish, Christopher

NAYS 125**BELKNAP**

Boyce, Laurie
Rosen, Ralph
Whalley, Michael

Clark, Charles
Tilton, Franklin

Fitzgerald, James
Tobin, William

Heald, Bruce
Wendelboe, Fran

CARROLL

Babson, David Jr

McConkey, Mark

Philbrick, Donald

Stevens, Stanley

CHESHIRE

Emerson, Susan

Pelkey, Stephen

COOS

Lary, Bruce

Morneau, Renney

GRAFTON

Gionet, Edmond

Ingbretson, Paul

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Batula, Peter
Brassard, Paul
Carew, James
Coughlin, Pamela
Emerton, Larry
Hagan, Barbara
Hinkle, Peyton
Judy, Jean
Lawrence, James
Mooney, Maureen
Reeves, Sandra
Smith, David
Villeneuve, Maurice

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Crane, Elenore Casey
Golding, William
Hansen, Ryan
Hirschmann, Keith
Johnson, Paula
Manney, Pamela
Moran, Edward
Renzullo, Andrew
Souza, Kathleen
Wheeler, James

Balboni, Michael
Biundo, Michael
Buhlman, David
Christiansen, Lars
Dyer, Donald
Goyette, Peter Jr
Hawkins, Ken
Infantine, William
Kurk, Neal
McRae, Karen
O'Brien, William
Rowe, Robert
Tahir, Saghir
Wheeler, Robert

Barry, J Gail
Boehm, Ralph
Calawa, Leon Jr
Clark, Mark
Elliott, Nancy
Graham, John
Hellwig, Steve
Jasper, Shawn
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Slocum, Lee
Ulery, Jordan

MERRIMACK

Anderson, Eric

Field, William

Hess, David

Langlais, Thomas

ROCKINGHAM

Allen, Mary
Cady, Harriet
Cooney, Richard
Forsing, Robert
Hopfgarten, Paul
Itse, Daniel
McMahon, Charles
Quandt, Matthew
Weldy, Norman

Bettencourt, David
Camm, Kevin
Dowd, John
Garrity, James
Hughes, Daniel
Lund, Howie
Packard, Sherman
Stiles, Nancy
Weyler, Kenneth

Bishop, Franklin
Carson, Sharon
Dumaine, Dudley
Gillick, Thomas
Ingram, Russell
Mason, April
Palazzo, Frank
Stone, Joseph
Winchell, George

Buxton, Donald
Coburn, James
Fesh, Bob
Griffin, Mary
Introne, Robert
McKinney, Betsy
Quandt, Marshall Lee
Waterhouse, Kevin
Zolla, William

STRAFFORD

Callaghan, Frank
Easson, Timothy

Campbell, W Packy
Hollinger, Jeffrey

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

and the majority committee report was adopted.

Rep. Gibson did not vote and notified the Clerk that he wished to be recorded against.

HB 1336, relative to administrators of estates. **INEXPEDIENT TO LEGISLATE.**

Rep. John B. Hunt for Judiciary: The sponsor's concern was when administrator of trusts uses family or fellow employees for providing billable services in the settlement of an estate. Although the committee appreciates the sponsor's intent, the legislation had several problems (such as defining "family" and "business associates"). Currently some probate judges have disallowed some associations by administrators and any one can address their concerns to the court. Vote 14-7.

Rep. Cady spoke against.

Committee report adopted.

SPECIAL ORDER

Rep. O'Brien moved that **HB 1548**, relative to termination of tenancy, be made a Special Order for Wednesday, March 22, 2006.

Motion adopted.

REGULAR CALENDAR

SPECIAL ORDERS (CONT'D.)

HB 1682, relative to parental notification of a parent or legal guardian of a child who has been provided with emergency contraception by a pharmacist. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Janet G. Wall for the Majority of Judiciary: This bill would have a pharmacist notify a parent or legal guardian if a person who is less than 16 years of age has been provided with emergency contraception. Within 48 hours of dispensing the medication, the pharmacist would have to do the notification by means of certified mail and include the child's name, the name of the notification, dosage, potential side effects, date of dispensing and information on the pharmacy and pharmacist. While the bill is well-intended, it is flawed. It does not include a refusal clause. There is no enforcement provision in this bill. In the case of divorced or separated parents, who will be notified? What if the minor gives false information as to parentage or legal guardianship? Who will verify identities or addresses? Furthermore, while we all want to believe we are good parents, not all families provide the kind of support system this bill would presuppose. We want our children to come to us, but cannot legislate good parenting. Statistics show that 60% of children would tell their parents and 20% would not seek parental involvement even if it was required. There are documented cases of incest even in New Hampshire. Is it appropriate to notify the father who may have had incest with his daughter? Emergency contraception is exactly what the term implies. There is a short period of time (72 hours) during which this medication would be effective. Emergency contraception is not an abortion medication, but rather, one that prevents pregnancy from occurring. Sending a letter by certified mail would cause unnecessary delay. Yes, there are possible side effects to this medication. There are possible side effects to all medications – even ones purchased over the counter. It is the belief of the majority that without a thorough consideration of the above mentioned this bill must be voted ITL. Vote 13-7.

Rep. Nancy J. Elliot for the Minority of Judiciary: This common sense bill provides notification to parents of a child under the age of 16, who has been provided with emergency contraception by a pharmacist. These high dose hormone pills have side effects that include nausea, vomiting, infertility, breast tenderness, life threatening ectopic pregnancy and blood clot formation. It is essential a parent is aware what drug their minor child received in order to get the proper medical treatment in the case of adverse side effects. We go to extreme measures to keep the kids of this state safe, from seat belts to bicycle helmets. We need to give our parents the tool they need in this crucial area of their child's healthcare. Dispensing drugs with less care than we do cigarettes is irresponsible.

Reps. Souza and Mark Clark spoke against.

Rep. Nancy Elliott spoke against and yielded to questions.

Reps. Houde-Quimby and Millham spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Weyler requested a roll call; sufficiently seconded.

YEAS 189 NAYS 118**YEAS 189****BELKNAP**

Allen, Janet	Flanders, Donald	Millham, Alida	Morrison, Gail
Pilliod, James	Russell, David	Thomas, John	

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Merrrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald

CHESHIRE

Allen, Peter	Butcher, Suzanne	Coates, Christopher	Dunn, J Timothy
Eaton, Daniel	Emerson, Susan	Espiefs, Peter	Hogancamp, Deborah
Hunt, John	Mitchell, Bonnie	Pelkey, Stephen	Plifka, Stanley Jr
Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon	

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Tholl, John Jr
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GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Bergin, Peter	Calawa, Leon Jr	Campbell, David
Carter, Mark	Chase, Claudia	Christensen, D L Chris	Cote, David
Cote, Peter	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard	Egbers, Fran
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Harvey, Suzanne	Hebert, Raymond
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Kopka, Angeline
Kurk, Neal	Lasky, Bette	Michon, Stephen	Movsesian, Lori
O'Connell, Timothy	Pappas, Christopher	Price, Pamela	Rosenwald, Cindy
Ryder, Donald	Scanlon, Michael	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Wheeler, Robert		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Hager, Elizabeth	Kidder, David
Klose, John	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	McMahon, Patricia	Oliver, James	Osborne, Jessie
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bishop, Franklin	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Major, Norman

McKinney, Betsy
Priestley, Anne
Sanders, Elisabeth

Moody, Marcia
Robertson, Carl
Serlin, Christopher

Pantelakos, Laura
Robinson, John
Splaine, James

Powers, James
Rolston, James
Stone, Joseph

STRAFFORD

Bickford, David
Creteau, Irene
Hofemann, Roland
Rollo, Michael
Spang, Judith

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Rous, Emma
Taylor, Kathleen

Brown, Julie
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Wall, Janet

Cilley, Jacalyn
Hilliard, Dana
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 118

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Wendelboe, Fran

Clark, Charles
Rosen, Ralph
Whalley, Michael

Fitzgerald, James
Tilton, Franklin

Heald, Bruce
Tobin, William

CARROLL

Brown, Carolyn

Chandler, Gene

McConkey, Mark

Stevens, Stanley

CHESHIRE

Butynski, William

Foote, Sheila

Parkhurst, Henry

COOS

King, Frederick
Stohl, Eric

Morneau, Renney

Remick, William

Richardson, Herbert

GRAFTON

Ingbretson, Paul

Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Carew, James
Dyer, Donald
Hagan, Barbara
Hinkle, Peyton
Johnson, Paula
McRae, Karen
O'Brien, William
Renzullo, Andrew
Tahir, Saghir

Balboni, Michael
Brassard, Paul
Christiansen, Lars
Elliott, Nancy
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Slocum, Lee
Ulery, Jordan

Batula, Peter
Brundige, Robert
Clark, Mark
Francoeur, Bea
Hawkins, Ken
Jasper, Shawn
Manney, Pamela
Mooney, Maureen
Pilotte, Maurice
Smith, David
Villeneuve, Maurice

Biundo, Michael
Buhlman, David
Coughlin, Pamela
Goyette, Peter Jr
Hellwig, Steve
Jean, Claudette
Matarazzo, Anthony Sr
Moran, Edward
Reeves, Sandra
Souza, Kathleen
Wheeler, James

MERRIMACK

Field, William
Whiting, Herbert

Hess, David

Kennedy, Richard

Langlais, Thomas

ROCKINGHAM

Asselin, Michael
Camm, Kevin
Fesh, Bob
Hopfgarten, Paul
Itse, Daniel

Bettencourt, David
Carson, Sharon
Garriety, James
Hughes, Daniel
Lund, Howie

Bicknell, Elbert
Coburn, James
Gillick, Thomas
Ingram, Russell
Mason, April

Cady, Harriet
Dumaine, Dudley
Griffin, Mary
Introne, Robert
McMahon, Charles

Nowe, Ronald
 Quandt, Marshall Lee
 Weare, E Albert
 Winchell, George

O'Neil, Michael
 Quandt, Matthew
 Welch, David
 Zolla, William

Packard, Sherman
 Stiles, Nancy
 Weldy, Norman

Palazzo, Frank
 Waterhouse, Kevin
 Weyler, Kenneth

STRAFFORD

Berube, Roger
 Chaplin, Duncan

Callaghan, Frank
 Hollinger, Jeffrey

Campbell, W Packy
 Newton, Clifford

Cataldo, Sam

SULLIVAN

Irish, Christopher
 and the majority committee report was adopted.

Osgood, Philip Sr

Rodeschin, Beverly

HB 1719-FN, defining human life as beginning at the moment of fertilization. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bette R. Lasky for the Majority of Judiciary: This bill was an attempt to define human life as beginning at the moment of fertilization. This determination is one that scientists and ethicists and medical specialists are unable to exactly define. The beginning of human life is determined by some by their religious beliefs, while others look to science and empirical data to answer the question. Still scientists and theologians can differ in these definitions even among themselves. The 14-6 vote of the committee to find HB 1719 Inexpedient to legislate reflects this uncertainty. Vote 14-6.

Rep. Bea Francoeur for the Minority of Judiciary: This bill was intended to establish life at fertilization for purposes of supporting maternal needs for women in the state of New Hampshire. Unfortunately the real meaning of life and when it starts was lost by the majority of this committee.

Rep. Hagan spoke against and yielded to questions.

Rep. Lasky spoke in favor.

Rep. James Wheeler requested a roll call; sufficiently seconded.

YEAS 206 NAYS 80

YEAS 206

BELKNAP

Allen, Janet
 Morrison, Gail
 Thomas, John

Fitzgerald, James
 Nedeau, Stephen

Flanders, Donald
 Pilliod, James

Millham, Alida
 Russell, David

CARROLL

Babson, David Jr
 McConkey, Mark
 Philbrick, Donald

Buco, Thomas
 Merrow, Harry

Chandler, Gene
 Olimpio, J Lisbeth

Dickinson, Howard
 Patten, Betsey

CHESHIRE

Allen, Peter
 Emerson, Susan
 Hunt, John
 Plifka, Stanley Jr

Butcher, Suzanne
 Espieffs, Peter
 Mitchell, Bonnie
 Richardson, Barbara

Dunn, J Timothy
 Foote, Sheila
 Parkhurst, Henry
 Robertson, Timothy

Eaton, Daniel
 Hogancamp, Deborah
 Pelkey, Stephen
 Sawyer, Sheldon

COOS

Buzzell, Bernard
 Merrick, Scott

King, Frederick
 Remick, William

Lary, Bruce
 Stohl, Eric

Mears, Edgar
 Tholl, John Jr

GRAFTON

Almy, Susan
 Cooney, Mary
 Harding, A Laurie
 Sokol, Hilda

Andersen, Gene
 Eaton, Stephanie
 McLeod, Martha
 Solomon, Peter

Benn, Bernard
 Gionet, Edmond
 Mulholland, Catherine
 Williams, Burton

Bleyler, Ruth
 Hammond, Lee
 Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
 Calawa, Leon Jr

Beaulieu, Jane
 Campbell, David

Bergin, Peter
 Carter, Mark

Boehm, Ralph
 Chase, Claudia

Christensen, D L Chris
Desmarais, Vivian
Emerton, Larry
Ginsburg, Ruth
Graham, John
Infantine, William
Lasky, Bette
Movsesian, Lori
Price, Pamela
Scanlon, Michael
Smith, David
Villeneuve, Maurice

Cote, David
Dokmo, Cynthia
Essex, David
Golding, William
Hall, Betty
Johnson, Paula
McRae, Karen
O'Connell, Timothy
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

Crane, Elenore Casey
Drisko, Richard
Foster, Linda
Goley, Jeffrey
Harvey, Suzanne
Kopka, Angeline
Michon, Stephen
Ober, Lynne
Ross, Lawrence
Shaw, Barbara
Sullivan, Peter

Daniuk, Caitlin
Egbers, Fran
Gargas, Carolyn
Gorman, Mary
Holden, Randolph
Kurk, Neal
Moran, Edward
Pappas, Christopher
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Klose, John
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
MacKay, James
Oliver, James
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
Foote, Robert
Kidder, David
Marple, Richard
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Flockhart, Eileen
Hutchinson, Karen
McKinney, Betsy
Packard, Sherman
Robinson, John
Splaine, James
Welch, David

Asselin, Michael
Camm, Kevin
Dowling, Patricia
Francoeur, Sheila
Ingram, Russell
McMahon, Charles
Powers, James
Rolston, James
Stiles, Nancy
Winchell, George

Bishop, Franklin
Charron, Gene
Fesh, Bob
Gilbert, Karl
Johnson, Robert
Moody, Marcia
Priestley, Anne
Sanders, Elisabeth
Stone, Joseph

Buxton, Donald
Dalrymple, Janeen
Flanders, John Sr
Gould, Kenneth
Major, Norman
O'Neil, Michael
Robertson, Carl
Serlin, Christopher
Weare, E Albert

STRAFFORD

Brown, Jennifer
Creteau, Irene
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Julie
Domingo, Baldwin
Miller, Joseph
Smith, Marjorie

Chaplin, Duncan
Dunlap, Patricia
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Johnson, Nancy
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Pritchard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

NAYS 80

BELKNAP

Boyce, Laurie
Tobin, William

Clark, Charles
Whalley, Michael

Rosen, Ralph

Tilton, Franklin

CARROLL

Brown, Carolyn

Knox, J David

Stevens, Stanley

CHESHIRE

Butynski, William

COOS

Richardson, Herbert

GRAFTON

Ingbreton, Paul

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
 Brassard, Paul
 Christiansen, Lars
 Elliott, Nancy
 Hebert, Raymond
 Jasper, Shawn
 Mead, Robert
 Reeves, Sandra
 Souza, Kathleen

Balboni, Michael
 Brundige, Robert
 Clark, Mark
 Francoeur, Bea
 Hellwig, Steve
 L'Heureux, Robert
 Mooney, Maureen
 Renzullo, Andrew
 Tahir, Saghir

Batula, Peter
 Buhlman, David
 Coughlin, Pamela
 Hagan, Barbara
 Hinkle, Peyton
 Manney, Pamela
 O'Brien, William
 Schulze, Joan
 Ulery, Jordan

Biundo, Michael
 Carew, James
 Dyer, Donald
 Hawkins, Ken
 Hirschmann, Keith
 Matarazzo, Anthony Sr
 Pilotte, Maurice
 Slocum, Lee
 Wheeler, James

MERRIMACK

Field, William

Whiting, Herbert

ROCKINGHAM

Allen, Mary
 Coburn, James
 Hopfgarten, Paul
 Lund, Howie
 Quandt, Marshall Lee
 Zolla, William

Bettencourt, David
 Dumaine, Dudley
 Introne, Robert
 Mason, April
 Quandt, Matthew

Bicknell, Elbert
 Garrity, James
 Itse, Daniel
 Nowe, Ronald
 Weldy, Norman

Cady, Harriet
 Griffin, Mary
 Katsakiores, Phyllis
 Palazzo, Frank
 Weyler, Kenneth

STRAFFORD

Cataldo, Sam

Hofemann, Roland

Newton, Clifford

SULLIVAN

Donovan, Thomas

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

and the majority committee report was adopted.

SPECIAL ORDER

Rep. O'Neil moved that **HB 1138**, relative to required pay for employees called into work, be made a Special Order for Wednesday, March 22, 2006.

On a division vote, 190 members having voted in the affirmative and 96 in the negative, the motion was adopted.

Rep. O'Neil moved that **HB 1496**, establishing a right to work act which provides for freedom of choice on whether to join a labor union, be made a Special Order for Wednesday, March 22, 2006 at 11:00 a.m.

Adopted.

REGULAR CALENDAR**SPECIAL ORDERS (CONT'D.)**

HB 1687, extending certain studies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John B. Hunt for Legislative Administration: This is a housekeeping measure to extend the dates of several study committees and task forces. The amendment added another study committee that was the subject in HB 1762 relative to pharmacy reimbursements. The other committees that being extended are: the Commission to Develop a Comprehensive State Mental Health Plan, the Task Force on Deafness and Hearing Loss, the Committee to Study Gaming Options for New Hampshire, the Committee to Study the Special Account in the New Hampshire Retirement System, and the Committee to Study the Classifications of Employees as Independent Contractors. Vote 11-0.

Amendment (1007h)

Amend the title of the bill by replacing it with the following:

AN ACT extending certain studies and adding a certain duty relative to pharmacy reimbursement.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Committee to Study Medicaid Reimbursement; Duty Added. Amend 2005, 73:3 by inserting after paragraph II the following new paragraph:

III. Examining a closed pharmacy network by region to bid based on price.

7 Committee to Study Medicaid Reimbursement; Reporting Date Extended. Amend 2005, 73:5 to read as follows:

73:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, [2005] 2006.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the reporting dates for certain studies.

This bill also extends the committee to study Medicaid reimbursement rates for pharmacy providers, established in 2005, 73, and adds a duty to the committee's study. The extension of this committee and the new duty was requested by the committee established in 2005, 73.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1195, relative to salary and compensation increases included in a default budget. **INEXPEDIENT TO LEGISLATE.**

Rep. Gilman C. Shattuck for Municipal and County Government: This bill excludes salary and compensation increases from a default budget unless the increases are required by a collective bargaining agreement that was in effect during the preceding fiscal year. There are many concepts and interpretations of what should or should not be included in a default budget in an official ballot voting (SB2) town. Since the time that official ballot voting has been implemented, there have been bills introduced every year to tweak the system which as created was a "one size fits all" solution. The local governing body needs to show its constituents what is in a default budget and explain the differences between the operating budget and default budget. The legislature needs to stop trying to tweak this form of government and encourage the governing bodies to have truth in budgeting. Vote 11-1.

Committee report adopted.

HB 1293, establishing a procedure for towns to change county affiliation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lawrence D. Brown for the Majority of Municipal and County Government: The bill as presented attempts to deal with questions of inequities of taxation which might be resolved by a change of county. A new county affiliation will not necessarily create equity or eliminate disparity and could very well send old problems to a new host to fester again. Affiliation does not address the concerns and interests of any receiving county, its implementation costs or any refusal rights it should have. There is also no consideration here of the impact on legislative representation when district and county boundaries change or what process should be used as well as a host of other issues. The committee feels that if a municipality has issues within the county in which it is located it should resolve those differences in that county and not seek out another county to align themselves with. Vote 11-3.

Rep. Harry L. Gale for the Minority of Municipal and County Government: If nothing else, this bill would lower the frustration and the temperature and have a cathartic result in some of the many communities in our state who suffer from our inability to create fairness and equitable property values and county taxing formulas within county form of government. In the end many of our citizens can no longer afford to live in our communities. This House and Senate suggested that we need a process to change county affiliation much like the educational community has a process under RSA 194:2. In fact, this

bill mirrors RSA 194:2. Why therefore should not the same process be available to cities and towns in our state? For these and other reasons the minority respectfully requests that this bill be passed into law. This action is long overdue and the citizens of New Hampshire will be forever grateful.

Rep. Gale spoke against.

Rep. Patten spoke in favor.

On a division vote, 216 members having voted in the affirmative and 59 having voted in the negative, the majority committee report was adopted.

HB 1366, relative to a planning board's authority to require public access to open space as a condition of subdivision approval. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David L. Buhlman for the Majority of Municipal and County Government: This bill prohibits a planning board from requiring public access to the open space of a cluster development, planned unit development, village plan alternative subdivision, or other innovative land use control, as a condition of subdivision approval. The committee heard testimony that some planning boards have been mandating that developers allow public access to private open space areas within their developments. This action could be perceived as a land taking and the intent of this bill is to prevent this situation from happening in the future. Allowing public access to this private open space within a development has possible implications for traffic, safety and liability issues. Vote 9-7.

Rep. Gilman C. Shattuck for the Minority of Municipal and County Government: The bill implicitly or explicitly would discourage a planning board from negotiating an open space agreement with a developer. A planning board should have flexibility in such negotiation when appropriate or presently allowed under existing legislations.

Rep. Patten spoke in favor and yielded to questions.

Rep. Phinizy spoke against.

Reps. Mirski and Buhlman spoke in favor.

On a division vote, 178 members having voted in the affirmative and 101 having voted in the negative, the majority committee report was adopted.

Ordered to third reading.

HB 1558, relative to regulation of smoking by cities and towns. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Eric G. Stohl for the Majority of Municipal and County Government: This bill clarifies the purpose of the indoor smoking act relating to regulations of smoking by cities and towns. RSA 155:66 prohibits smoking in many public places in general. RSA 155:67 provides some exceptions to RSA 155:66. An example of these two statutes is in RSA 155:66 where smoking is prohibited in all enclosed places of public access but restaurants with seating for fewer than 50 people are exempt. The committee is fully aware of HB 1177, prohibiting smoking in restaurants and cocktail lounges statewide, which we feel also, has merit but the committee strongly believes in local control. This bill provides the ability of all towns and cities in the State of New Hampshire to have local control with relation to the regulating of smoking within their public places. This bill is not mandatory, it is enabling. Vote 12-3.

Rep. Paul R. Hopfgarten for the Minority of Municipal and County Government: Given that there are rules that are working well regarding the control of smoking in bars and restaurants, there is no need for this bill. The market, made up of business owners and patrons, have come up with the solution, and its working fine. There are facilities that have a smoking section, and others that prohibit smoking completely. There is no need for the government at any level to interfere with private enterprises to address a problem that's already been solved. There is also concern that this intrusion will eventually be extended to prohibit smoking in private houses.

Majority Amendment (0768h)

Amend RSA 155:64, II as inserted by section 1 of the bill by replacing it with the following:

II. In addition to paragraph I, the purpose of this subdivision is to create minimum standards for the regulation of smoking. It is not the purpose of this subdivision to preempt cities and towns from exercising local control over the issue of smoking. Cities and towns may adopt regulations setting forth stricter standards than set forth in this subdivision.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Rep. Buhlman spoke against and yielded to questions.

Rep. Hunt spoke against.

Rep. Buhlman requested a roll call; sufficiently seconded.

YEAS 100 NAYS 177**YEAS 100****BELKNAP**

Fitzgerald, James
Tobin, William

Morrison, Gail

Pilliod, James

Rosen, Ralph

CARROLL

Brown, Carolyn

Knox, J David

Patten, Betsey

Stevens, Stanley

CHESHIRE

Butcher, Suzanne
Mitchell, Bonnie

Butynski, William
Pelkey, Stephen

Dunn, J Timothy
Robertson, Timothy

Emerson, Susan

COOS

King, Frederick

Merrick, Scott

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene
Eaton, Stephanie

Benn, Bernard
Hammond, Lee

Bleyler, Ruth
Mulholland, Catherine

Cooney, Mary
Solomon, Peter

HILLSBOROUGH

Batula, Peter
Chase, Claudia
Desmarais, Vivian
Ginsburg, Ruth
Lasky, Bette
Price, Pamela
Sullivan, Peter

Brassard, Paul
Christensen, D L Chris
Egbers, Fran
Hall, Betty
Matarazzo, Anthony Sr
Scanlon, Michael
Wheeler, Robert

Brundige, Robert
Cote, David
Essex, David
Harvey, Suzanne
Pappas, Christopher
Shattuck, Gilman

Calawa, Leon Jr
Crane, Elenore Casey
Gargas, Carolyn
Irwin, Anne-Marie
Pilotte, Maurice
Shaw, Kimberly

MERRIMACK

Bouchard, Candace
Foose, Robert
MacKay, James
Rush, Deanna
Wallner, Mary Jane

DeJoie, John
Gile, Mary
McMahon, Patricia
Ryan, Jim
Walz, Mary Beth

DeStefano, Stephen
Hager, Elizabeth
Osborne, Jessie
Shurtleff, Stephen

Field, William
Klose, John
Potter, Frances
Tilton, Joy

ROCKINGHAM

Buxton, Donald
Flockhart, Eileen
Moody, Marcia
Sanders, Elisabeth
Winchell, George

Dalrymple, Janeen
Gould, Kenneth
O'Neil, Michael
Serlin, Christopher
Zolla, William

DiFruscia, Anthony
Johnson, Robert
Powers, James
Splaine, James

Flanders, John Sr
Mason, April
Robinson, John
Stone, Joseph

STRAFFORD

Domingo, Baldwin

Smith, Marjorie

Wall, Janet

SULLIVAN

Cloutier, John
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Gale, Harry
Prichard, Stephen

Irish, Christopher

NAYS 177**BELKNAP**

Allen, Janet
Millham, Alida
Tilton, Franklin

Boyce, Laurie
Nedeau, Stephen
Whalley, Michael

Clark, Charles
Russell, David

Flanders, Donald
Thomas, John

CARROLL

Babson, David Jr
McConkey, Mark

Buco, Thomas
Merrow, Harry

Chandler, Gene
Olimpio, J Lisbeth

Dickinson, Howard
Philbrick, Donald

CHESHIRE

Allen, Peter
Hogancamp, Deborah
Sawyer, Sheldon

Eaton, Daniel
Hunt, John

Espiefs, Peter
Parkhurst, Henry

Foote, Sheila
Richardson, Barbara

COOS

Buzzell, Bernard

Lary, Bruce

Remick, William

Richardson, Herbert

GRAFTON

Almy, Susan
McLeod, Martha
Sorg, Gregory

Gionet, Edmond
Mirski, Paul
Williams, Burton

Harding, A Laurie
Nordgren, Sharon

Ingbretson, Paul
Sokol, Hilda

HILLSBOROUGH

Adams, Jarvis IV
Bergin, Peter
Carew, James
Daniuk, Caitlin
Elliott, Nancy
Golding, William
Hawkins, Ken
Infantine, William
L'Heureux, Robert
Mooney, Maureen
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Francis
Wheeler, James

Balboni, Michael
Boehm, Ralph
Christiansen, Lars
Dokmo, Cynthia
Emerton, Larry
Goley, Jeffrey
Hellwig, Steve
Jasper, Shawn
Manney, Pamela
Moran, Edward
Ober, Lynne
Ross, Lawrence
Stocum, Lee
Ulery, Jordan

Baroody, Benjamin
Buhlman, David
Clark, Mark
Drisko, Richard
Foster, Linda
Gorman, Mary
Hinkle, Peyton
Kopka, Angeline
McRae, Karen
Movsesian, Lori
Reeves, Sandra
Ryder, Donald
Smith, David
Vaillancourt, Steve

Beaulieu, Jane
Campbell, David
Coughlin, Pamela
Dyer, Donald
Francoeur, Bea
Graham, John
Holden, Randolph
Kurk, Neal
Mead, Robert
O'Brien, William
Renzullo, Andrew
Schulze, Joan
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
French, Barbara
Maxfield, Roy
Whiting, Herbert

Blanchard, Elizabeth
Kidder, David
Oliver, James
Williams, Robert

Brueggemann, Donald
Lockwood, Priscilla
Reardon, Tara
Yeaton, Charles

Clarke, Claire
Marple, Richard
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Charron, Gene
Fesh, Bob
Hopfgarten, Paul
Katsakiores, George
McKinney, Betsy
Palazzo, Frank
Robertson, Carl
Welch, David

Allen, Mary
Cady, Harriet
Coburn, James
Francoeur, Sheila
Ingram, Russell
Katsakiores, Phyllis
McMahon, Charles
Priestley, Anne
Rolston, James
Weldy, Norman

Asselin, Michael
Cali-Pitts, Jacqueline
Dowling, Patricia
Garrity, James
Introne, Robert
Lund, Howie
Nowe, Ronald
Quandt, Marshall Lee
Stiles, Nancy
Weyler, Kenneth

Bettencourt, David
Camm, Kevin
Dumaine, Dudley
Griffin, Mary
Itse, Daniel
Major, Norman
Packard, Sherman
Quandt, Matthew
Weare, E Albert

STRAFFORD

Bickford, David
Cataldo, Sam
Dunlap, Patricia
Miller, Joseph
Schmidt, Peter

Brown, Jennifer
Chaplin, Duncan
Hofemann, Roland
Newton, Clifford
Spang, Judith

Brown, Julie
Cilley, Jacalyn
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

Campbell, W Packy
Creteau, Irene
Keans, Sandra
Rous, Emma

SULLIVAN

Converse, Larry
Osgood, Philip Sr

Ferland, Brenda
Rodeschin, Beverly

Franklin, Peter

Houde-Quimby, Charlotte

and the majority committee report failed.
Rep. Hopfgarten moved Inexpedient to Legislate.
Motion adopted.

HB 1760, allowing municipalities to adopt a property tax exemption for property using, manufacturing, or supplying bio-heat systems. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert W. Brundige for the Majority of Municipal and County Government: This bill seeks to do two things. It allows municipalities to adopt a property tax exemption for all property using, manufacturing or supplying bio-heat systems. Each town or city adopting a bio-heat system property tax exemption shall determine the qualifications for and dollar amounts of the exemption from assessed value, for local property purposes, applicable to residential or commercial property owners or persons manufacturing or supplying bio-heat systems. The committee feels that even though this is enabling it will be extremely difficult to confirm who is and who is not using a bio-heat system. Additionally the committee has concerns about how local municipalities will be able to determine that the renewable fuel substitute meets the requirements of the American Society for Testing and Materials (ASTM) specifications D6751. With these two concerns in mind the committee feels that enabling municipalities to adopt this exemption along with the requirement of the selectmen or assessors to grant or deny this exemption could result in needing technical experience regarding bio-heat technology without parameters listed in the bill. The committee believes that encouraging the use of bio-heat systems is an excellent idea. However, this is another bill that would shift the property tax burden from this exemption to other taxpayers within the municipality. Vote 11-3.

Rep. Stephen G. Prichard for the Minority of Municipal and County Government: As oil and natural gas prices rise dramatically our nation's leaders have asked us to search for and promote alternative fuels to heat our homes and propel our vehicles. This bill, with the amendment, does just that by providing a limited property tax exemption not to exceed \$5,000 for the use of bio-fuels. The amendment also prevents anyone from abusing the exemption by requiring that at least 20% of the fuel used be bio-diesel. Because this is enabling legislation and not required, and because the town or city shall determine the qualifications and dollar amounts for the exemption it protects any community from unfair burden the exemption might impose. The development and growing acceptance of hybrid automobiles has been very much facilitated by tax rebates. Hybrid prices are now coming down and their sale moves our country toward energy independence. This small tax exemption for bio-fuels could do the same thing for cleaner home heating fuel while cutting the amount of imported oil.

Rep. Essex spoke against and yielded to questions.

Reps. Mirski and Stohl spoke in favor.

On a division vote, 169 members having voted in the affirmative and 104 in the negative, the majority committee report was adopted.

Rep. McRae declared a conflict of interest and did not participate.

HB 1443, relative to priorities for development of all terrain (ATV) and trail bike trails. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Christopher R. Irish for the Majority of Resources, Recreation and Development: The use of ATVs as a recreation activity is increasing rapidly on both public and private lands. The need for trail development on state lands is both necessary and required by statute. The committee concluded that the requested language in this bill already exists in current statute. Currently, the priorities for developing ATV trails are: 1: private lands; 2: public lands. The proposed statute does not change those priorities, nor does it strengthen the process. In fact, as with previous bills it would hinder the department's ability to create new ATV trails as it would limit the selection process to public land purchases specifically for ATV use. Current language allows for use of public lands "that are compatible with existing uses and management goals and plans." Concern was also raised that this is targeted legislation, as other motorized vehicles were not considered, such as snowmobiles. Finally, placing a priority on the purchase of new land is established through the land acquisition account, which is funded through registration fees. Vote 12-7.

Rep. Judith T. Spang for the Minority of Resources, Recreation and Development: This bill would clarify the priorities for development of ATV trails in New Hampshire. Current law requires that private lands be considered first, then public lands when trails can be accommodated with other existing uses. This bill would provide that the public lands to be considered after private would be those acquired specifically for the purpose of accommodating ATVs. Several

bills in the recent past have illustrated the resistance to imposing summertime motorized uses into parks that have historically been used by passive recreationists. In some instances, park land was donated to the state by landowners who wanted them protected in their natural state. Forcing ATVs into such a park only creates conflict between riders, other park users, surrounding communities and DRED. This bill does not preclude development of other state lands. It merely states that when state land exists that was acquired specifically for ATVs, such as Berlin, that land should be developed first. Makes sense.

On a division vote, 166 members voted in the affirmative and 103 in the negative, the majority committee report was adopted.

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. D. L. Chris Christensen for the Majority of Resources, Recreation and Development: This bill is the result of an LBA audit of the department of environmental services. Subsequently, the department determined that certain rulemaking authority was not needed. This included federal assistance and private funds with regard to underground storage tanks. It clarifies a conflict in complying with competitive bidding laws (RSA 21-1:22 – RSA 21-a:22d). Rulemaking permission was added under RSA 486:10 regarding water pollution control assistance to municipalities. Vote 10-7.

Rep. Sandra B. Keans for the Minority of Resources, Recreation and Development: This body enacted legislation in 1996 updating the water pollution statutes, in which the Department of Environmental Services (DES) was to develop certification criteria for operators of pre-treatment facilities. DES would like to keep that authority on hold. The minority believes there is no less a need now than ten years ago. Municipalities are better protected by having certified operators at those locations where substantial accidents can occur that can then impact the municipality's ability to treat wastewater. The Minority offers an amendment that leaves the status-quo for certification. We also support the remainder of the bill.

Rep. Keans offered floor amendment (1143h).

Minority Amendment (1143h)

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Rep. Keans spoke in favor and yielded to questions.

Rep. Patten spoke against.

Minority committee amendment (1143h) failed.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDER

Rep. O'Neil moved that the remainder of bills on today's calendar be made Special Orders for Wednesday, March 22, 2006 in their regular place in the calendar.

Adopted.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 22, 2006 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

HB 1593-FN-L, relative to the construction of high school athletic fields in the town of Bedford.

HB 1611-FN, relative to reimbursement for personal care services.

HB 1227-FN, relative to late fees and reinstatement fees paid by business entities.

HB 1470, relative to overweight vehicle permit fees.

HB 1177, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

HB 1567, relative to removing names from the checklist.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.

HJR 20, supporting stem cell research.

HB 1687, extending certain studies and adding a certain duty relative to pharmacy reimbursement.

HB 1366, relative to a planning board's authority to require public access to open space as a condition of subdivision approval.

HB 1523, relative to certain rulemaking authority of the commissioner of environmental services.

UNANIMOUS CONSENT

Reps. Stiles and Walz addressed the House.

Rep. Kears moved that the remarks of Rep. Stiles be printed in the Permanent Journal.

Adopted.

MEMORIAL REMARKS

Rep. Stiles: The National Foundation for Women Legislators (NFWL) lost a strong leader with the recent passing of Arizona State Senator Marilyn Jarrett. Senator Jarrett (R-Mesa) has been an active member of NFWL and the National Order of Women Legislators since her election to the Arizona House of Representatives in 1995.

Ms. Jarrett was elected by her fellow women legislators to serve as the next President of the Order and was sworn in at the 2005 Annual Conference in Phoenix. Ms. Jarrett was a strong advocate for her constituents as she spearheaded legislation to reduce the risk of deadly forest fires and championed the arts. Her leadership, passion and commitment to supporting fellow women legislators made her a valuable member of National Foundation for Women Legislators and she will be sorely missed.

Rep. Phinizy moved that the remarks of Rep. Walz be printed in the Permanent Journal.

Adopted.

MEMORIAL REMARKS

Rep. Walz: Thank you, very much, Mr. Speaker. We are used to throwing around words like "hero," "placed their lives in the line of duty," and sometimes we forget just what those words can mean. On March 1st New York State Trooper Andrew Sperr did what troopers do every day. Out in a rural area of the Pennsylvania border, he pulled over to the side of the road to check on a truck with a couple of guys sitting there. Unbeknownst to him, 90 minutes before those two guys had robbed a bank of \$1,900. Before he could get a word out, as he bent over to find out what was going on, they opened fire on him with a 357 Magnum and managed to hit him under his vest. They hit him three more times with bullets just before they drove off to leave him to die. But before he died, he managed to return the fire, despite being mortally wounded, he returned the fire and he hit both of those guys with bullets. They were wounded seriously enough that by the end of the day they both sought medical help at the local hospital and because of that those guys were captured that night.

That heroic trooper was my cousin, known to us as A. J. Sperr. Because of A J's heroic activities, he prevented those evil guys from victimizing any other desperate individuals in the community. This extraordinary performance by A. J. was not out of character. At his funeral, the New York State Superintendent of Police stood up and read from his two most recent performance reviews. They read as follows: "He is as good as there is. As capable as anyone I have ever worked with. His activity is always exceptional. He polices the community with fairness and common sense. He may be the best trooper I have ever worked with." To that end for the last few years of his life, A. J. won the outstanding trooper award from his barracks in downstate New York.

A. J. was the youngest of 11 kids. He was 20 years younger than I am. And despite the fact that I am 5'2" and he was 6'4", he will always be my little cousin who loved to hunt, and fish and

farm. By honoring A. J., we honor the men and women who every day risks their lives for us doing very ordinary activities. Mr. Speaker, I would request that you ask this body to stand in a moment of silence for a man who exemplified the real meaning of the word "hero."

The House stood and observed a moment of silence in memory of Trooper Andrew Sperr.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, receiving enrolled bill amendments, enrolled bill reports and Senate messages only.

Adopted.

The House recessed at 8:10 p.m.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 11

Wednesday, March 22, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

God of possibility, on this day of crossover, we recognize anew just how grueling this session has been. The sheer number of bills has been daunting, the hours long, and although the pizza has been good, sometimes our patience has worn thin. And yet, here we are, having accomplished much. Thank You for the ways in which Your presence has guided and energized us. Bless and guide, we pray, the work we do today as we seek to finish this portion of the agenda, and then grant to us renewed energy for the work which will come to us anew from the Senate. Make us ever servants in the service of all who call this state home. Hear our earnest prayers this morning for Karen Wadsworth in her continued recovery from surgery, and for Robert Barker during this time of profound struggle. We pray likewise for any in this body or any of our family members who find themselves in challenging or painful times in their lives, whose names, although we have not mentioned them out loud, are written clearly on the parchment of our hearts. All this we pray in Your Holy Name. Amen.

Rep. Karen Hutchinson, member from Londonderry, led the Pledge of Allegiance.

The National Anthem was sung by Emily Myers, a junior from Londonderry High School.

LEAVES OF ABSENCE

Reps. Albert, Barker, Carlson, Chabot, Clemons, Dalrymple, Forsing, Gibson, Gillick, Heald, Hunter, Kobel, Lefebvre, Maybeck, Messier, Palangas, Putnam, Snyder, and Tupper, the day, illness.

Reps. Aguiar, C. Pennington Brown, Danforth, Dexter, Hebert, Hirschmann, Hollinger, Hopfgarten, Klose, Langley, Lessard, Moore, Norelli, Pepino, Reed, Rochette, Stella Scamman, Twombly, Velez and Wiley, the day, important business.

Reps. MaryAnn Blanchard, Hagan and Kimberly Shaw, the day, illness in the family.

INTRODUCTION OF GUESTS

Scott, Carolyn and Rachel Myers, parents and sister of today's singer, guests of the House. Red Hat Ladies; Joyce Hahn, Barbara Browne, Kathy McIntosh, June Steele, Judith Barry and Suzanne Scolamiero, guests of Rep. Carolyn Brown. Elizabeth Christensen, guest of Rep. Morrison. Nurses and nursing students from Colby-Sawyer, University of New Hampshire, Riviere College and New Hampshire Technical College-Claremont, participants in Health Policy Day, guests of Reps. Dalrymple, French, Millham, Schulze, Houde-Quimby and Harding. Niels and Eric Smith-Sokol, son and grandson of Rep. Sokol.

Kara Heon, Cushing Academy student, Page for the Day.

INTRODUCTION OF SPECIAL GUESTS

Caitlin Peck, Jillian Hurd, Jamie Shomphe, Molly Rice, Karissa Krause, Courtney Whitehead, Katie Halstead, Stephanie Carpenter, Kayla Dole, Jessica Merrill, Danielle Slavin and Hannah Preston, members of the Sunapee Middle-High School Girls Basketball Team and the 2006 Class S State Champions, accompanied by Head Coach Bruce Swain and Assistant Coach Dean Carpenter, Sean Moynihan, School Principal and David Barry, Athletic Director, guests of the House.

(Deputy Speaker Weyler in the Chair)

SPECIAL ORDER

CACR 30, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Maureen C. Mooney for the Majority of Judiciary: In the well-publicized case of Kelo et al. v. City of New London and New London Development Corp., 125 S.Ct. 2655 (2005), the U.S. Supreme

Court held that private property may be taken by eminent domain and transferred to private developers solely to promote economic development. CACR 30 is a direct response to the Kelo decision. New Hampshire citizens were justifiably concerned that the Supreme Court had defined "public purpose" so broadly as to render meaningless the existing property protections found in our State Constitution and the jurisprudence of our New Hampshire Supreme Court. In prior cases, the New Hampshire Supreme Court has interpreted the constitution as allowing an uncertain and amorphous "balancing test" for "economic development" takings. Kelo has simply rendered that "balancing test" meaningless. It has set the bar so low as to ensure that property owners will never be able to stop, protest or obtain meaningful judicial review of a governmental entity's decision to take that citizen's property and immediately transfer it to enrich a wealthier or more politically influential private developer. CACR 30 is a legislative answer to these real concerns. Part I, Article 2 of the New Hampshire Constitution lists "natural rights" which are "natural, essential and inherent" to citizens. Among those rights is "acquiring, possessing and protecting property." New Hampshire citizens want and deserve a chance to vote on whether to restore the fundamental property protections the U.S. Supreme Court stripped away in Kelo. CACR 30 will restore the original and common understanding that private property cannot be taken by eminent domain for anything other than use by a political subdivision, state-regulated public utility or common carrier, or when the taking is necessary for the ownership or the use of the property by the public at large (i.e., not for the private profit of private developers). The language of the amended CACR also mirrors SB 287, which comprehensively defines "public use" in the statutes. SB 287 recently passed in the Senate 24-0. Additionally, if approved by the voters, this amendment will be in its own new Article 12-a, so as to preserve the original 1784 language of Article 12, which addresses taxation, as well as property rights. We believe that we have an obligation to allow the citizens of New Hampshire to vote to affirm that Kelo-like takings were not, are not, and will never be, the New Hampshire way. As legislators, we took a solemn oath to support and defend the Constitutions of the State of New Hampshire and the United States of America. When an event such as Kelo so threatens and undermines our long-standing, common understanding of what the government can and can not do to the citizens through the use of the eminent domain power, support for CACR 30 is the only appropriate response. Vote 11-9.

Rep. Bette R. Lasky for the Minority of Judiciary: The bipartisan minority of the Judiciary Committee feels very strongly in protecting our citizens' ownership of property. The NH Constitution says in Part I, Article 12 that "... no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." NH statutes and judicial decision have been consistent in the protection of private property rights as well. Also, the Senate has just addressed SB 287-FN with a resounding vote of 24-0 which further clarifies the term "public use" and makes the possibility of a "Kelo vs. New London" decision here even more remote. The minority feels a change on the Constitution is premature. Additionally there is legislation pending to form a study committee to review our existing eminent domain laws. The minority believes this should be place before we make any change in our Constitution.

Majority Amendment (0982h)

Amend the title of the bill by replacing it with the following:

RELATING TO: limits on the taking of private property.

PROVIDING THAT: eminent domain shall not be used to transfer real property from one owner to another on the grounds that private use of the land will benefit the public. Property may be taken by the state only when necessary for the enjoyment of the land by the public at large.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain on the grounds that private development will benefit the public. Eminent domain may be used by the state only when necessary for the ownership or use of the property by the public at large.

The majority committee amendment was adopted on March 8, 2006. The bill was on second reading. Rep. DiFruscia offered floor amendment (1381h).

Floor Amendment (1381h)

Amend the title of the bill by replacing it with the following:

RELATING TO: limits on the taking of private property.

PROVIDING THAT: eminent domain shall not be used to transfer real property from one owner to another on the grounds that private use of the land will benefit the public. Property may be taken by the state only when necessary for the enjoyment of the land by the public at large, provided that the general court approves the expenditure.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large; provided, however, that any state expenditure shall require the approval of the general court.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] The power of eminent domain shall not include taking property from one owner and transferring it to another on the grounds that the public will benefit from development or other private use of the property. Private property may be taken by the state, a political subdivision, or a state regulated public utility or common carrier, only when necessary for the ownership or use of the property by the public at large; provided, however, that any state expenditure shall require the approval of the general court.”

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain on the grounds that private development will benefit the public. Eminent domain may be used by the state only when necessary for the ownership or use of the property by the public at large and any state expenditure must be approved by the general court.

Rep. DiFruscia spoke in favor and yielded to questions.

Rep. Mooney spoke against.

On a division vote, 24 members having voted in the affirmative and 197 in the negative, floor amendment (1381h) failed.

Rep. Giuda offered floor amendment (1411h).

Floor Amendment (1411h)

Amend the title of the bill by replacing it with the following:

RELATING TO: limits on the taking of private property.

PROVIDING THAT: a person's property shall not be taken by eminent domain if the taking is for private use.

Amend paragraph I of the resolution by replacing it with the following:

I. That the first part of the constitution be amended by inserting after article 12 the following new article:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

"Are you in favor of amending the first part of the constitution by inserting a new article 12-a to provide that private property can only be taken as follows:

[Art.] 12-a [Power to Take Property Limited.] No part of a person's property shall be taken by eminent domain and transferred, directly or indirectly, to another person if the taking is for the purpose of private development or other private use of the property."

AMENDED ANALYSIS

This constitutional amendment concurrent resolution prohibits the use of eminent domain for private use.

Rep. Giuda spoke in favor.

On a division vote, 284 members voted in the affirmative and 43 in the negative, floor amendment (1411h) was adopted.

The question now being adoption of the majority committee report as amended.

Rep. Mooney spoke in favor and yielded to questions.

Rep. Marjorie Smith spoke against and yielded to questions.

Rep. Splaine spoke in favor.

Rep. Garrity moved the previous question.

Adopted.

Rep. Newton requested a roll call; sufficiently seconded.

YEAS 277 NAYS 61**YEAS 277****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Morrison, Gail	Nedean, Stephen
Pilliod, James	Rosen, Ralph	Russell, David	Thomas, John
Filton, Franklin	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Boote, Sheila	Hogancamp, Deborah	Hunt, John	Pelkey, Stephen
Pratt, John	Richardson, Barbara	Roberts, Kris	Sawyer, Sheldon
Veed, Charles			

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Richardson, Herbert	Stohl, Eric	Theberge, Robert
Tholl, John Jr			

GRAFTON

Almy, Susan
Gionet, Edmond
Naro, Debra
Williams, Burton

Andersen, Gene
Giuda, Robert
Solomon, Peter

Cooney, Mary
Ingbretson, Paul
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Ward, John

HILLSBOROUGH

Aboshar, Jeffrey
Baroody, Benjamin
Bergin, Peter
Brundige, Robert
Chase, Claudia
Craig, James
Drisko, Richard
Emerton, Larry
Golding, William
Goyette, Peter Jr
Hansen, Ryan
Holden, Randolph
Jeudy, Jean
Lasky, Bette
McRae, Karen
Moesesian, Lori
Price, Pamela
Ross, Lawrence
Shaw, Barbara
Stepanek, Stephen
Villeneuve, Maurice

Adams, Jarvis IV
Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Desmarais, Vivian
Dyer, Donald
Essex, David
Goley, Jeffrey
Graham, John
Hawkins, Ken
Infantine, William
Johnson, Paula
Lawrence, James
Mead, Robert
O'Brien, William
Reeves, Sandra
Rowe, Robert
Slocum, Lee
Sullivan, Peter
Wheeler, James

Allan, Nelson
Batula, Peter
Boehm, Ralph
Carew, James
Clark, Mark
DeVries, Betsi
Egbers, Fran
Foster, Linda
Gonzalez, Carlos
Haley, Robert
Hellwig, Steve
Jasper, Shawn
Kurk, Neal
Manney, Pamela
Mooney, Maureen
O'Connell, Timothy
Renzullo, Andrew
Ryder, Donald
Smith, David
Tahir, Saghir
Wheeler, Robert

Balboni, Michael
Bergeron, Jean-Guy
Brassard, Paul
Carter, Mark
Coughlin, Pamela
Dokmo, Cynthia
Elliott, Nancy
Gargas, Carolyn
Gorman, Mary
Hall, Betty
Hinkle, Peyton
Jean, Claudette
L'Heureux, Robert
Matarazzo, Anthony Sr
Moran, Edward
Ober, Lynne
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
Kennedy, Richard
Lockwood, Priscilla
McMahon, Patricia
Rush, Deanna
Whiting, Herbert

Blanchard, Elizabeth
DeJoie, John
Greco, Vincent
Kidder, David
MacKay, James
Oliver, James
Soltani, Tony
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
L'Heureux, Stephen
Marple, Richard
Osborne, Jessie
Tilton, Joy

Brueggemann, Donald
Field, William
Hess, David
Langlais, Thomas
Maxfield, Roy
Reardon, Tara
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Charron, Gene
Donahue, Richard Ken
Fesh, Bob
Gilbert, Karl
Hughes, Daniel
Itse, Daniel
Lund, Howie
McMahon, Charles
Nowe, Ronald
Pantelakos, Laura
Quandt, Marshall Lee
Robinson, John
Serlin, Christopher
Waterhouse, Kevin
Wells, Roger

Asselin, Michael
Bishop, Franklin
Cali-Pitts, Jacqueline
Coburn, James
Dowd, John
Flanders, John Sr
Gould, Kenneth
Hutchinson, Karen
Johnson, Robert
Major, Norman
Moody, Marcia
O'Neil, Michael
Parker, Benjamin
Quandt, Matthew
Rolston, James
Splaine, James
Weare, E Albert
Winchell, George

Belanger, Ronald
Bridle, Russell
Camm, Kevin
Cooney, Richard
Dowling, Patricia
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, George
Mason, April
Moore, Benjamin
Packard, Sherman
Powers, James
Rausch, James
Sanders, Elisabeth
Stiles, Nancy
Welch, David
Zolla, William

Bettencourt, David
Buxton, Donald
Carson, Sharon
DiFruscia, Anthony
Dumaine, Dudley
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Morris, Richard
Palazzo, Frank
Priestley, Anne
Robertson, Carl
Scamman, W Douglas
Stone, Joseph
Weldy, Norman

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Domingo, Baldwin
 Heon, Richard
 Newton, Clifford

Bickford, David
 Campbell, W Packy
 Dunlap, Patricia
 Hofemann, Roland
 Rollo, Michael

Brown, Julie
 Cataldo, Sam
 Easson, Timothy
 Johnson, Nancy
 Taylor, Kathleen

Brown, Lawrence
 Chaplin, Duncan
 Goodwin, Earle
 Knowles, William

Donovan, Thomas
 Jillette, Arthur Jr

Franklin, Peter
 Osgood, Philip Sr

Gale, Harry
 Phinzy, James

Irish, Christopher
 Rodeschin, Beverly

SULLIVAN

NAYS 61

BELKNAP

None

CARROLL

None

CHESHIRE

Butcher, Suzanne
 Parkhurst, Henry

Butynski, William
 Plifka, Stanley Jr

Chase, William
 Robertson, Timothy

Mitchell, Bonnie
 Tilton, Anna

COOS

None

GRAFTON

Benn, Bernard
 McLeod, Martha

Bleyler, Ruth
 Mulholland, Catherine

Hammond, Lee
 Nordgren, Sharon

Harding, A Laurie
 Sokol, Hilda

HILLSBOROUGH

Beaulieu, Jane
 Daniuk, Caitlin
 Kopka, Angeline
 Shattuck, Gilman

Campbell, David
 Ginsburg, Ruth
 Michon, Stephen
 Sullivan, Francis

Cote, David
 Harvey, Suzanne
 Pappas, Christopher
 Vaillancourt, Steve

Cote, Peter
 Irwin, Anne-Marie
 Pilote, Maurice

MERRIMACK

Clarke, Claire
 Owen, Derek
 Yeaton, Charles

French, Barbara
 Potter, Frances

Gile, Mary
 Ryan, Jim

Hamm, Christine
 Shurtleff, Stephen

ROCKINGHAM

Abbott, Dennis

Casey, Kimberley

Flockhart, Eileen

STRAFFORD

Brown, Jennifer
 Caen, Naida
 Schmidt, Peter
 Wall, Janet

Cilley, Jacalyn
 Keans, Sandra
 Smith, Marjorie

Creteau, Irene
 Miller, Joseph
 Spang, Judith

Grassie, Anne
 Rous, Emma
 Taylor, Katherine

SULLIVAN

Cloutier, John
 Prichard, Stephen

Converse, Larry

Ferland, Brenda

Houde-Quimby, Charlotte

and the majority committee report was adopted by the necessary three-fifths.
 Ordered to third reading.

(Speaker Scamman in the Chair)

MOTION TO PRINT DEBATE

Rep. Dokmo moved that the debate on *CACR 30*, relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development be printed in the Permanent Journal.
 Adopted.

DEBATE ON CACR 30

Debate on floor amendment (1381h)

Rep. DiFruscia: Thank you, Mr. Speaker. Members of the House, I call your attention to the House Calendar on page 1295. At the bottom, you'll see the amendment, if you turn the page, the last line amending Article 12-A is the amendment that says, "however, that any state expenditure shall require the approval of the General Court." I want to say that again one more time, "however, that any state expenditure shall require the approval of the General Court." I feel it's kind of important for you to get an overview about what is eminent domain without boring all of us. The first eminent domain takes place in the United States in 1832 with President, as you know the president who moved the Indians out of their territory, Jackson. In fact, what happened was the Indians decided they didn't want to get moved so they went up to the Supreme Court of the United States which had Marshall as the Chief Justice, and the Supreme Court agreed with them. However, President Jackson said "try to enforce it."

But from that point on, we've had within our constitution, the federal constitution, the taking of private property for the purpose of public use. Now I don't want to get any of you confused because in my opinion this is not a partisan issue. Some people would like to make it that. Now fast forward a couple hundred years and you get on to urban renewal in the 1960s. Now what was "urban renewal?" Urban renewal was when you were eradicating blight, you're taking out slums, and you're replacing it. The Federal government displaces and replaces with housing that goes out to public developers. So there's a public bid. Now all of a sudden we had the infamous decision that came out of Connecticut, Kelo, which twisted a little bit the difference between public use. That is where a taking takes place and the public-at-large owns it. For example, highways. Now what happens after that with Kelo? Kelo now dove-tags the Connecticut constitution that uses public use. However, federal constitution stretches that a little bit and says "public use can be public purpose." Again, going on the concept of the 1960s courts.

We have never had a problem in the state of New Hampshire concerning what we mean by "public use." However, the Committee on Judiciary has worked long and hard, and I compliment them. When the original bill or CACR came out, you would note that it indicated that the great and General Court was to be involved in any and all taking. Now I assume that the reason behind that was to insure the fact that public use meant public use, that the public-at-large would own the property.

Now you have a situation going on right now, if you read the *Manchester Union Leader*, where there is a person who is holding out because of some developers. This amendment is simplistic. We're simply dealing with the fact that if there is a state expenditure that's required, that the great and General Court each and every one of you are going to pass on it. I'm not going to beleague the issue but suggest to each and every one of you, my concern is simple. When asked by a member of this great and General Court a few weeks ago, "Why did you take the language out concerning the General Court?" there was really no answer.

I'm hoping the committee will at least come forward because we don't basically disagree, we believe that if you really need to clarify the constitution of the state of New Hampshire under Article 12, then add a new constitutional amendment of 12A and if you're doing, then let's make it perfectly clear that we are not eliminating the great and General Court.

Now, as an aside, if you read closely what the committee has recommended, is they have put in a new twist. If you look at the amendment again on 1296, it says "private property may be taken by the state, a political subdivision or a state regulated public utility or common carrier only when necessary for the ownership or use of the property by the public at large." Well, that's a new twist. That is absolutely an expansion of Article 12A, but if that is what the committee wishes and if that is what this general body wants to do, I have no quarrel with it. All I'm saying is, if we really believe that we want to make sure that no favorite private developer is going to be able to take private property and take advantage of that then, this great and General Court should obviously have the ability to say "yes" or to say "no" because you're dealing with state funds.

I was very careful in drafting this amendment. Careful because we used the words "state expenditures." Let me further point out to you that the Senate bill that is coming over is a very good bill. It supplements this. I would hope that the members of the great and General Court would agree with this very limited amendment that does not eliminate us but includes us as the original said it should do. I would hope, Mr. Speaker that I would be able to have a division as previously requested to the Clerk. I would like that because I would hope to do a parliamentary inquiry if necessary.

I hoped obviously that the committee would agree to this simplistic amendment, but unfortunately they haven't. So in the event that we do go to a vote by division, I hope that you vote green for this particular amendment. Thank you, Mr. Speaker and I will take questions, if you see fit. But let's make them rational questions, so to speak, by that I mean let's not I'll take a question...I mean I editorialized. Thank you.

Rep. Graham: Thank you, Mr. Speaker. Thank you, my honorable colleague for yielding. The question I have is about that last sentence that you talked about so vividly, where it says approval of the General Court. If we pass a 10-year transportation plan, would that include all of the takings of land for those projects without coming back to this General Court for each and every one of them? Or would it just be blanket approval to DOT for taking of all land?

Rep. DiFruscia: Thank you for the question. It's a good question. Obviously, we are not going to do an ex post facto situation. That which was taken, is taken. So we're obviously not going to interfere with the taking that has already taken place. I think that we all know if we are successful in making this CACR 30 go onto the ballot, the implementation of this would be some time. It's not going to effect the highway proposal that we've already gone through and I appreciate that question.

Rep. Almy: Thank you, Mr. Speaker. Thank you honorable representative. I thought my question was being answered but it wasn't. In a future year if we pass this through into the constitution, we have a lot of highway projects that take little bits of land all of the time. We have one going on in Lebanon right now. Would each of those have to come in with a bill or could they all be covered by us passing the 10-year highway plan?

Rep. DiFruscia: Future use would be covered and I would suggest if you read the amendment closely, my interpretation is that once you have a blanket taking that you've already given approval. So future use would be covered, but you wouldn't stop the Highway Transportation Committee as it is going through now.

Rep. Almy: Sorry that I'm so dense, but say that the city of Lebanon puts in a request for widening on the state road that goes through our city after this is passed in the constitution, and it requires a certain amount of taking along the way, if it passes in a future highway plan and it has not yet been in a highway plan at that time is passing in the highway plan enough? Or does every single one of those little taking of five yards off of businesses, have to come in to us?

Rep. DiFruscia: Thank you for the question. I would assume that you don't have to come in for every yard. That's based upon the fact that you are going to propose a proposal. First of all, that there's going to be state expenditures, so let's get over that hurdle. We're not going to be talking about a particular city or town. Secondly, if you are doing it by way of an omnibus taking for expansion of the highway, I would expect that reason and ration would indicate there would be one approval and one approval only, as we have done in the past. So therefore, it would not affect each and every five yard taking. I wouldn't expect that in a million years.

Rep. Almy: Thank you, just to get it clear, so then, say that this was approved in the 10-year plan, then once they finished doing the design and decided exactly what going to be taken, they would come back with a bill specifically for that highway widening, and get approval for us for all of those little takings at once?

Rep. DiFruscia: Yes, and I appreciate that question. Yes, yes, yes.

Rep. Giuda: Thank you, Mr. Speaker. Thank you representative for taking my question. From your last question would we infer that then every single highway project in the state's 10-year highway plan that took any land, would have to be approved on a project by project basis?

Rep. DiFruscia: Thank you for the question. The answer is no.

Rep. Mooney: Thank you, Mr. Speaker and honorable members of this House. I rise in opposition to this floor amendment. The distinguished gentleman from Windham brings to us a floor amendment which reflects the language of the original committee amendment, but adds a new requirement that for an eminent domain taking, any state expenditure shall require the approval of this General Court.

Now while this requirement attempts to secure the validity of an eminent domain taking, it raises serious concerns and ultimately does not address the Kelo ruling which we set out to do. Approval of a state expenditure by the General Court is a procedural issue. Those of us who worked long hours on the amendment meant to carefully insert a rule of law, not a procedural requirement that is better suited for a statutory change.

This floor amendment would divert the attention from prohibiting a taking for public use into new guidelines for routine takings, for utilities, and common carriers, etc. This new procedural

requirement would likely demand new rules, guidelines and a careful study to be established. Furthermore, such a new procedure would demand significant time of this body and delays for public use takings, as well as to interfere with local control. Nevertheless, the special committee on eminent domain touched upon this very concept last summer. And the subcommittee will likely request that a committee study among other issues this very idea. In sum, for the purposes of addressing of a Kelo-like taking in the New Hampshire constitution, this floor amendment with this new requirement does not fit. Thank you, Mr. Speaker and members for your attention.

Vote on adoption of floor amendment (1381h)
Division vote Y-24 N-197 – floor amendment failed

Debate on Floor Amendment (1411h)

Rep. Giuda: Thank you, Mr. Speaker. Honorable members of the House I rise to seek your support for floor amendment (1411h) located on page 1296 of your calendars. The purpose of a constitution is to define rules. Not only rules of how government operates, but to define as well, rules of what government is allowed or not to do with relationship to the rights of people. Our constitution established the right to own property as a natural right, fundamental. It also, in Article 12, establishes in a somewhat specific sense that a person's property can be taken for public use. And that is a good thing. We bring this floor amendment before you because having passed the previous amendment two weeks, three weeks ago, some concerns were expressed to supporters that the language was a little bit too loose. We met with some colleagues from both sides of the aisle under the very careful and qualified stewardship of the gentle chairlady of Judiciary to discuss how we could make this a better amendment. The result lies before you in the language of amendment (1411h). The concern was over whether or not private property could be taken and then at some time in the future converted over to a private use. This amendment makes it very clear. One sentence that you just, as a government entity, can't take a piece of private property and at some time in the future, whether intentionally or not, I should say some time in the future, with the intention of converting it to a private use. If we take property as a public body, it has to be for public use and there can't be any question as to that. This floor amendment then makes it very clear, unambiguous. No part of a person's property shall be taken by eminent domain and transferred directly or indirectly to another person, if the taking is for the purpose of private development or other private use of the property. I submit that our citizens would understand that. I submit that our citizens would strongly endorse that, certainly the feedback that I've gotten. I submit that this is simple, it's clean, and it's what we need to prevent, under constitutional guidelines, government violating the rules that are in place to keep private and public interests working together. I ask for your support for the floor amendment and will not take any question at this time.

Vote on adoption of floor amendment (1411h)
Division vote Y-284, N-43 – floor amendment (1411h) adopted

Debate on Motion of Ought to Pass as Amended

Rep. Rausch: I would request clarification on an issue about this amendment. Thank you. My question is if I use I-93 as an example. We have properties along I-93 that the state has a need of one acre but because that taking has detrimentally affected the property, the property owner requests that additional property be taken. That the property be taken in total. So instead of one acre, it takes three acres. The property owner is happy because they have been compensated in total. The state then, when the project is done, will sell the two acres that is surplus. My question is would this amendment prevent the state from selling the two acre surplus and re-cooping our state investment in that property? Or in fact, would we be prohibited from re-cooping our investment? Rep. Mooney: Thank you for the question. The answer is "no," because at the time of the taking it was for a public use. As the project proceeded, it was realized that perhaps maybe not that much land was needed or what not and there are current statutory provisions in terms of selling it back to the original owner, and things of that nature. So the answer to your question, the answer is "no." Rep. Rausch: We are not selling it back to the original owner. It could be I-93 that lands being taken very potentially will be sold to private developers for economic development properties. The original owner is happy, they've come out whole, but the surplus property will be used for probably commercial development.

Rep. Mooney: Thank you for the follow-up question. And again, I just simply stated that statutory provision covers that, you know, regulations about selling back to the original owner but that's not a pre-requisite. And again if the property is taken, for the time of that taking it's for a public use that would all be OK according to this amendment.

Rep. Dokmo: I think I can answer your question to your satisfaction, I hope. If you read the proposed amendment that we just approved, the purpose for the taking cannot be for private development or private use. In your situation, and I was at one time in my life, a right-of-way commissioner for the DOT, so I know a little bit about that in your situation, the purpose for the taking was not for private use, but for public use to build the highway. That's the purpose of the taking. If down the line, the state or the city took it, didn't need the property, or didn't need all of the property, then this amendment would allow them to sell it. Under state law right now, I believe that they have to offer it first to the municipality, and usually the municipality doesn't want it or they have to offer it first to the land owner who sold it, then to the municipality, and then they can sell it. But this would not prevent that. This is why this was written as carefully as it is.

Rep. Jasper: Thank you, and thank you for yielding. Isn't it true that in a case where the state wants to buy one part of a parcel and the owner of the remainder of the parcel wants to get rid of it, that's no longer a taking? As a matter of fact, those become negotiated sales and the constitutional amendment does not affect that in any way because it is not any taking. It is a purchase and sales agreement between a willing buyer and a willing seller.

Rep. Mooney: Yes, that is my understanding, yes. Thank you.

Rep. Mooney: Thank you, Mr. Speaker and thank you members of the House. I rise in support of Ought to Pass with Amendment on CACR 30. Once elected as legislators, there is one requirement we fulfill that allows us to have voting rights within this hall. The requirement is an oath to uphold the New Hampshire constitution. Contained within the constitution are natural rights considered essential and inherent. Among those rights are the rights to acquire, possess and own property.

In 2005, the U. S. Supreme Court handed down a ruling that interpreted eminent domain takings to include the taking and transferring to a private developer with the sole purpose of possibly enhancing economic development and possibly increasing employment. This interpretation changed our long standing common understanding that a government taking must be for public use accompanied by just compensation. The decision known as Kelo surprised the nation since this type of taking and transferring to a private developer was never thought to be possible. Moreover, this decision threatens property owners here in New Hampshire and left us vulnerable to a legal loophole in New Hampshire state law. The wording of CACR 30 as amended does several things in one sentence. Among them are: it summarizes the Senate bill which lays out the definition of public use explicitly and excludes the taking for economic development. Second it closes the loophole in New Hampshire found by the Supreme Court last year in the Kelo decision by clearly stating that no person's property can be taken and transferred for the purpose of private development or private use. And most importantly, the amended language protects to acquire, possess and own property.

I ask you now to support CACR 30 and allow the voters of this great state to have a voice in protecting their property. Property that for thousands of residents represents the culmination of years of hard work combined with a lifetime of savings. I feel the time is now, and I think we all do, to let the voters decide as to whether placement of the specific notion that a Kelo taking is not the New Hampshire way, belongs in our constitution right beneath Article 12. Please vote green on this amendment. And I thank you for your attention. Thank you.

Rep. Spaine: Thank you, Mr. Speaker. I have been waiting a long time to talk in this chamber about this issue. As I was driving up from Portsmouth today, I was thinking of the constituents who voted for me for my very first time when I ran in 1968. I had lived in an area of Portsmouth that some people considered not one the best sections of Portsmouth. If you go to Portsmouth, you will see in the downtown area, you will see a lot of fairly new development. That development was what was called the Vaughn Street Urban Renewal Project which was approved by the powers that be in Portsmouth back in 1966. For the first 21 years of my life, I lived in that area. It was considered the melting pot of the City of Portsmouth. We had people who had emigrated through the difficulties and upheavals throughout the world in the early part of the 19th and 20th centuries from Italy, from China, from Japan, from Russia. There were Irish, there were African-Americans, there was Jewish. It was indeed a melting pot in our community. But because the city sometimes did not pay attention to the area, 30 acres of downtown area, streets and sidewalks came into disrepair and some of the homes were certainly not in the best condition.

When I first ran for the legislature and visited homes door-to-door in this rather Democratic part of the city, many people were in the process of being moved out. Homes were being torn down because the Vaughn Street Urban Renewal Project had been approved in 1966. By 1968, my constituency was disappearing. I felt then that we had to do what we could on the local and state and national levels to stop that from happening again.

This is a Democratic issue. It is a Republican issue, too. It's an issue that all of us should be concerned about. But this is a Democratic issue, the most vulnerable among us, that constituency that many of us who are Democrats, and many Republicans, too, but many of us who are Democrats we want to stand up for and represent. They're unconnected. Those people who don't have a lot of money are the ones who are usually punished and abused and exploited by urban renewal projects allowed under eminent domain. If a person is well-to-do, if a person is well-networked with his or her community, they usually work out pretty good deals with any developers who might want to come in. Eminent domain, therefore, tends to be used by city or town government and by other entities against those who don't have that kind of ability to network and work within the system. And many of those are the people that we as Democrats and as Republicans want to represent.

We need to approve this constitutional amendment today. We should be putting this to the ballot in November and we as Democrats should be joining the Republicans or should I say the Republicans should be joining the Democrats in convincing voters in November that this is an important thing to do. This CACR protects people's rights. Yesterday, we were dealing with a constitutional amendment that for the first time that would have put regulations in, or provisions that might have taken rights away. This is our opportunity today to put a simple provision that defends and protects those people who we as Democrats and Republicans say that we want to support and protect as part of our responsibility.

I didn't have an opportunity in this chamber, because I wasn't smart enough then and nobody else made a proposal like this, to introduce one in 1969, my first term. But today, I and You can do something to make sure that we never allow people in New Hampshire again to be mistreated or abused by their local or state governments. Thank you.

Rep. Marjorie Smith: Thank you very much, Mr. Speaker. I had not intended to speak. I had hoped to have some questions answered. But much to my surprise, no one on the Judiciary Committee was willing to answer my questions, and so I'm going to just make a few very brief points. How many of you in this room have read the state constitution of the state Connecticut? The constitution of the state of Connecticut is not the same as the constitution of the state of New Hampshire. That's number one. Number two. In this state we have a Supreme Court decision *Merrill vs. Manchester* which addresses issues of property rights. Number three. We have coming over from the Senate with a unanimous vote language for a bill which includes much of the same text that is in this constitutional amendment. To me, the most sacred document we have is the constitution of New Hampshire. If we make a change in the constitution, it certainly should be for a very basic reason. That constitution has stood us in good stead for a couple of hundred years. If we pass a law addressing these issues and we find that we might have been off just a little bit, we can correct that in the future. If we pass a constitutional amendment, we're stuck with it.

Let me give you a couple of examples. Not the example that my distinguished colleague from Portsmouth gave you, because we know that urban renewal 40 years ago did a tremendous amount of damage to many communities. We know that. But we learned from that and those mistakes haven't been made again. Let me give you an example in Manchester. Just imagine that a factory building in Manchester closes or in many of the other factory towns that we have in this state and the owners abandon the property. It is better for them to abandon the property and move on, then to try to do anything with that property. That happens and that happens in this state. I don't know about you but I would like the City of Manchester or the appropriate public entity to be able to buy that property and take that property and develop it by perhaps selling it to a private developer who might put in those condos that everybody seems to want. Or might put in shops, or might put in other use that benefits the entire community. If we pass a constitutional amendment on nothing except a knee-jerk reaction to a Supreme Court decision that has not had any manifestation of relevance in the State of New Hampshire, we tie our hands. Why would we do that?

Let's take the bill that comes from the Senate and pass it as law. Let's see if that works. If that doesn't work, let's see if we can then go on to amend the law and make it work even better for the State of New Hampshire. If we can't do that in the fullness of time, having weighed carefully and calmly all of our alternatives, we might decide that, yes, this issue rises to the importance of the

basic rights that we protect in our constitution and therefore, we should have a constitutional amendment. But not now. Not just doing it because there's been a lot of good press on it. Not because my good friend from Weare has had, you know, to preside, over a meeting to decide whether or not to go after Justice Souter's house. Let's use some calmness and some reason. And as I say again, I have enormous respect for both the chair of the Judiciary and the work of the Judiciary Committee and I would just say to you, not now. Thank you.

Rep. Peter Sullivan: Thank you, Mr. Speaker. My question to my colleague from Durham is really two parts. First of all, I represent a constituency that has a lot of folks who live in low income housing. Those folks aren't going to receive any financial compensation even if there is a taking. Those folks are going to lose their homes. We were facing a situation recently where that was going to happen. First of all, do you think that is an appropriate situation to put those folks in to benefit a private developer from out of town? And if someone decided to revisit Aristotle Onassis's plan to put an oil refinery in Durham Point, would you have a somewhat different perspective on this issue?

Rep. Marjorie Smith: I'll answer your last question first. Absolutely not. What we were able to do 30 years ago in Durham is oppose a very powerful Governor of the State of New Hampshire and a very powerful private developer and we did it the right way. We did it by enlisting the legislature of New Hampshire, every House member of New Hampshire. We did it by enlisting the citizens from the seacoast on who rose up and said, "This is wrong and this is why," and we prevailed. That is why Aristotle Onassis did not get to do what he wanted to do. It is true, by the way, that he actually thought the Oyster River was a fresh water river and that he could cool his plant with the water from the Oyster River and only subsequently found out that, of course, it is salt water. But what you know has to do with his good solid research. That's the answer to the second question. We did it the right way.

As to the first question, of course, I don't support that. But the people in Manchester elect a city council or aldermen, I guess you call it, they elect public officials. We are elected. All of us are elected to do the right thing. Do you think that all of you are going to go out there as town officials, as county officials, as state officials and start taking land? I don't think so. I have more faith in you, and I have more faith in our local officials than that. I give you as proof of that what has happened in the State of New Hampshire with some court action, but mostly with the good sense of the people of this state. You save constitutional amendments for situations where there is no other way to protect the basic rights of the citizens of this state.

Rep. Matarazzo: Thank you, Mr. Speaker. And I'd like to thank the honorable representative from Durham. I speak against this because somebody abandons their factory will leave and then the city can't use it. Why on earth wouldn't the city just take it for taxes, or pay for the building. They abandon it. They leave with nothing. The city can buy it from them and they can leave with some dough?

Rep. Marjorie Smith: Thank you, my colleague. I'm not quite sure I understood exactly the question but it does raise another point. That is that we confuse takings, sounds like such a frightening term, or eminent domain from situations referred to earlier where there is a willing buyer and a willing seller. Or where there are other ways including nonpayment of taxes. That's just one more reason why a constitutional amendment is just not the way to address this problem. We ought to be spending our time figuring out how to improve the housing stock in this state, how to get more money into workforce housing. We ought to be spending our time doing all of those kinds of things, not worrying about something that has not happened in this state and that is only a way to satisfy the people who write editorials. I think we are a better body than that. I yield on principle because I think free and open debate is essential to the work of this body. I do know that you are getting restless and I do know that we had an 11 o'clock Special Order and I want to make sure that the people who could only be here in the morning do not miss the opportunity to vote on that.

Rep. Field: Thank you, Mr. Speaker. Thank you for taking my question the honorable representative from Durham. You mentioned the Senate bill which is to come over to us for approval. Can that bill be refused by a judge or the Supreme Court and be declared unconstitutional and negated? My question is if a constitutional amendment, we allow it to the people to vote it and they vote it in with this amendment, I don't believe the Supreme Court can declare that unconstitutional. Isn't that true and doesn't that make the difference between the two points?

Rep. Marjorie Smith: Thank you for the question. Of course, that is true in terms of the state Supreme Court on occasions when the state Supreme Court has acted, has always acted in these situations has acted to protect property rights. But in fact, don't forget, we are talking here just about that, state law and state constitution. It does not matter what is in the state constitution, if the US Supreme Court should decide that the New Hampshire constitution violated the US constitu-

tion. Then in fact, the US constitution reigns supreme. What we're taking about here is exclusively a New Hampshire problem or the lack of a problem. And because the Supreme Court looking at the Connecticut constitution acted in one way has nothing at all to do with what happens here and it takes our minds off our other really serious responsibilities to be spending time and a lot of money pushing this constitutional amendment. Thank you.

Rep. Giuda: Thank you. Mr. Chairman. Honorable and very patient members of the House. This constitutional amendment is not about this House. It is about setting rules for every house. It is about setting rules that protect every citizen now and moving forward from the political vagaries of the House. This House is very well qualified, as evidenced yesterday, on judging on whether an issue is one of social concerns and maybe needs to ebb and flow. This is one fundamental principle of ownership of property in which we can allow no latitude. We must draw the line and we can, our people expect it, we are capable. With respect to factories in Manchester that are abandoned, they falter taxes and delinquent taxes result, not in eminent domain, but in tax sales. The market determines the value of that property. The town can sell it at fair market value. That is not an eminent domain taking. Do not confuse the two. With respect to the Senate bill coming across, for one year under the stewardship of the Speaker of the House and the President of the Senate, the majority leaders of both, the sponsors of two bills, myself and Senator Green, we developed a process because of the importance and the depth of debate that the House would be the lead on producing the constitutional amendment; the Senate would produce the statutory support for the amendment. Everything in this has been totally approved by the Senate, leadership, sponsors, and so forth. And as soon as they get it, I'm told that it will pass on a 24 to 0 vote. This is about team work between House and Senate. This is about unity between Republicans and Democrats. This is about the rights of the people now and going forward in perpetuity. Please join me in pressing the green button to allow the people of New Hampshire the voice they deserve in determining how they choose to let their government operate. Thank you, Mr. Speaker.

Vote on the motion of Ought to Pass as amended
Roll call Y-277, N-61 – motion adopted

SPECIAL ORDER

HB 1496, establishing a right to work act which provides for freedom of choice on whether to join a labor union. **INEXPEDIENT TO LEGISLATE.**

Rep. Benjamin C. Baroody for Labor, Industrial and Rehabilitative Services: The committee heard over five hours of testimony with over 70 speakers against the bill with only five for the bill. This is the same bill we hear every term. The bill was opposed by the Commissioner of Labor who stated he was the sixth consecutive Commissioner to oppose this same bill. The bill was also opposed by the Diocese of Manchester, the Governor of New Hampshire, the New Hampshire Council of Churches, Verizon, which may be the largest employer in the private sector covered under collective bargaining agreements, the Director of the New Hampshire Coalition for Occupational Safety and Health, city mayor, all labor groups and unions. The committee felt that this was just a union busting bill and it is a matter of fairness. Under federal law the union must represent all employees whether they are union members or not. If an employee opts not to be a member of the union that person must pay an agency fee. That fee is only the amount of money it cost to negotiate and maintain the collective bargaining agreement. The committee felt this was fair if all wages, benefits, and representation are given to everyone, each should pay his or her fair share. We felt that this is just bad legislation and is not right for the New Hampshire economy or for its employers and employee's. The committee knows this bill very well. Vote 14-1.

Rep. Adams spoke against and yielded to questions.

Reps. Heon and Baroody spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. James Wheeler requested a roll call; sufficiently seconded.

YEAS 255 NAYS 85

YEAS 255

BELKNAP

Clark, Charles
Nedeau, Stephen

Fitzgerald, James
Pilliod, James

Millham, Alida
Russell, David

Morrison, Gail
Thomas, John

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry
Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Troll, John Jr		

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Giuda, Robert	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Ward, John

HILLSBOROUGH

Aboshar, Jeffrey	Balboni, Michael	Baroody, Benjamin	Batula, Peter
Beaulieu, Jane	Bergin, Peter	Brassard, Paul	Campbell, David
Chase, Claudia	Christensen, D L Chris	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Judy, Jean	Johnson, Paula
Kopka, Angeline	L'Heureux, Robert	Lasky, Bette	Lawrence, James
Manney, Pamela	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Ober, Lynne	Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra
Renzullo, Andrew	Rosenwald, Cindy	Rowe, Robert	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Sullivan, Francis
Sullivan, Peter	Tahir, Saghir	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, Robert			

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Hess, David	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Lockwood, Priscilla	MacKay, James	Maxfield, Roy
McMahon, Patricia	Oliver, James	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Casey, Kimberley	Coburn, James	Cooney, Richard
DiFruscia, Anthony	Donahue, Richard Ken	Dowd, John	Dowling, Patricia

Fesh, Bob
 Garrity, James
 Katsakiores, George
 McKinney, Betsy
 O'Neil, Michael
 Powers, James
 Rausch, James
 Sanders, Elisabeth
 Weare, E Albert
 Winchell, George

Flanders, John Sr
 Gould, Kenneth
 Katsakiores, Phyllis
 Moody, Marcia
 Packard, Sherman
 Priestley, Anne
 Robertson, Carl
 Serlin, Christopher
 Welch, David
 Zolla, William

Flockhart, Eileen
 Griffin, Mary
 Major, Norman
 Morris, Richard
 Pantelakos, Laura
 Quandt, Marshall Lee
 Robinson, John
 Splaine, James
 Weldy, Norman

Francoeur, Sheila
 Johnson, Robert
 Mason, April
 Nowe, Ronald
 Parker, Benjamin
 Quandt, Matthew
 Rolston, James
 Stiles, Nancy
 Wells, Roger

STRAFFORD

Berube, Roger
 Brown, Lawrence
 Creteau, Irene
 Grassie, Anne
 Kaen, Naida
 Rollo, Michael
 Spang, Judith

Bickford, David
 Callaghan, Frank
 Domingo, Baldwin
 Heon, Richard
 Keans, Sandra
 Rous, Emma
 Taylor, Katherine

Brown, Jennifer
 Chaplin, Duncan
 Dunlap, Patricia
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Taylor, Kathleen

Brown, Julie
 Cilley, Jacalyn
 Goodwin, Earle
 Johnson, Nancy
 Miller, Joseph
 Smith, Marjorie
 Wall, Janet

SULLIVAN

Cloutier, John
 Franklin, Peter
 Phinizy, James

Converse, Larry
 Gale, Harry
 Prichard, Stephen

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

NAYS 85

BELKNAP

Allen, Janet
 Tilton, Franklin
 Whalley, Michael

Boyce, Laurie
 Tobin, William

Flanders, Donald
 Veazey, John

Rosen, Ralph
 Wendelboe, Fran

CARROLL

Babson, David Jr
 Patten, Betsey

Martin, James

McConkey, Mark

Morrow, Harry

CHESHIRE

COOS

GRAFTON

Gionet, Edmond
 Williams, Burton

Ingbretson, Paul

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
 Biundo, Michael
 Calawa, Leon Jr
 Drisko, Richard
 Hansen, Ryan
 Kurk, Neal
 Moran, Edward
 Ryder, Donald
 Ulery, Jordan

Allan, Nelson
 Boehm, Ralph
 Carew, James
 Dyer, Donald
 Hawkins, Ken
 McRae, Karen
 O'Brien, William
 Slocum, Lee
 Wheeler, James

Barry, J Gail
 Brundige, Robert
 Carter, Mark
 Elliott, Nancy
 Hellwig, Steve
 Mead, Robert
 O'Connell, Timothy
 Souza, Kathleen

Bergeron, Jean-Guy
 Buhlman, David
 Clark, Mark
 Francoeur, Bea
 Hinkle, Peyton
 Mooney, Maureen
 Price, Pamela
 Stepanek, Stephen

MERRIMACK

Anderson, Eric
 Soltani, Tony

Field, William

Langlais, Thomas

Marple, Richard

ROCKINGHAM

Allen, Mary
Dumaine, Dudley
Hutchinson, Karen
Lund, Howie
Stone, Joseph

Cady, Harriet
Gilbert, Karl
Ingram, Russell
McMahon, Charles
Waterhouse, Kevin

Camm, Kevin
Headd, James
Introne, Robert
Moore, Benjamin
Weyler, Kenneth

Charron, Gene
Hughes, Daniel
Itse, Daniel
Palazzo, Frank

STRAFFORD

Campbell, W Packy

Cataldo, Sam

Easson, Timothy

Newton, Clifford

SULLIVAN

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

and the committee report was adopted.

Rep. Hutchinson voted Nay and intended to vote Yea.

REGULAR CALENDAR

HB 1692-FN, establishing the New Hampshire sexual predators act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Patricia A. Dowling for the Majority of Criminal Justice and Public Safety: The bill revises the statutes relative to sexual predators, sexual offenders under the age of 18 and also of persons committing an act or acts constituting first degree assault against a person under 13 years of age where the injury has resulted in brain damage or physical disability to the child and it is likely to be permanent. Under current law, a person convicted of aggravated felonious sexual assault against a victim who is less than 13 years of age faces a penalty of 10 to 20 years for a first offense. A second offense can require a penalty of 20 to 40 years. Under this proposed legislation, the court may sentence the first time offender to 25 years to life under the extended term of imprisonment if the prosecuting attorney has notified the defendant of this possible application. For a second offense under this proposed statute, the penalty is life imprisonment without parole. The bill also addresses registration of sexual and other criminal offenders and their duty to report personally every 6 months their name, age, race, sex, date of birth, height, weight, hair and eye color, address of any permanent residence and address of any current temporary residence, within the state or out of state, mailing address, date and place of employment, or schooling, vehicle make, model, color and license tag number. A post office box shall not be provided in lieu of a physical residential address. Registration is required for a minimum of 10 years from release and may be for life for some. Sentences have increased for those who fail to register, or who provide false information. Juveniles found true of committing a sexual offense if so ordered by the judge will also be required to register until they reach the age of 17, or while the court retains jurisdiction over them. This particular list will only be made available to law enforcement and they shall not disclose it to the public. In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the public list is in the community. HB 1692 also addresses involuntary civil commitment of sexually violent predators that are incompetent, insane or mentally retarded and makes provisions for confinement, appointment for counsel and commitment for treatment. Procedures for probable release are also covered. A committee shall hereby be established to identify and evaluate classification and risk assessment procedures for convicted sex offenders. This classification system is urgently needed. Currently there is no such system. The Department of Corrections shall implement a study to evaluate the feasibility and efficacy of instituting life – time monitoring by means of global positioning satellite technology and/or other monitoring or tracking systems of sexual offenders and offenders against children with a report due on or before November 1, 2006 and implement a system by July 1, 2008. Vote 17-2. Rep. Stanley E. Stevens for the Minority of Criminal Justice and Public Safety: The minority members do not oppose the passage of this bill as amended. We believe it falls short in one major area and that is in the sentencing provision contained in section 20 which says in paragraph IV that a person "may" be sentenced to an extended term of imprisonment as follows: (a) A minimum to be fixed by the court of not "more" than 25 years and a maximum of life imprisonment; and the minority amendment proposes changes from "may" to "shall" and "not more than" to "not less than". This addresses the most dangerous offenders in New Hampshire: those who sexually assault children, the most vulnerable segment of our society. These offenders pose an

ongoing threat. A 2004 study found the likelihood of recidivism increases the longer an offender is back in the community after an incarceration. The provision contained in this amendment provides prosecutors with a tool to ensure a mandatory 25 year sentence upon conviction in the most serious cases.

Majority Amendment (1422h)

Amend the bill by replacing all after the enacting clause with the following:

1 Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, III to read as follows:

III. "Sexual offender" means a person who is required to register as a result of any violation or attempted violation of:

(a) RSA 632-A:2, 632-A:3, 632-A:4, I(a), 632-A:4, I(b) if the actor was 21 years of age or older at the time of the offense, 645:1, II, or 645:1, III; [or]

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a)[-]; or

(c) Any other criminal offense which is not specifically listed in subparagraph (a) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider whether the victim was a minor at the time of the crime; the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

2 Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, V to read as follows:

V. "Offender against children" means a person who is required to register as a result of any violation or attempted violation of:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 633:1, 633:2, 633:3, 639:2, or 645:2; or

(b) RSA 169-B:41, II, 639:3, III, 649-A:3, 649-B:3, 649-B:4 or 650:2, II; or

(c) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a) or (b)[-]; or

(d) Any other criminal offense committed against a victim under the age of 18 at the time of the offense which is not specifically listed in subparagraph (a) or (b) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

3 Registration of Criminal Offenders; Definitions. RSA 651-B:1, VII is repealed and reenacted to read as follows:

VII. (a) "Required to register" means that a sexual offender or offender against children was charged with an offense or an attempt to commit an offense listed in this chapter that resulted in one of the following outcomes:

- (1) Conviction;
 - (2) A finding of not guilty by reason of insanity;
 - (3) An adjudication as a juvenile delinquent and the court at the time of the dispositional hearing finds, pursuant to RSA 169-B:19, that the juvenile is required to register;
 - (4) An adjudication of juvenile delinquency or its equivalent in another state or territory of the United States if the juvenile is required to register under the laws of that jurisdiction; or
 - (5) An order committing the person as a sexually violent predator pursuant to RSA 135 E.
- (b) A juvenile certified to stand trial as an adult, who is convicted, found not guilty by reason of insanity, or committed as a sexually violent predator, shall be treated as an adult for all purposes under this chapter.

4 New Paragraph; Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding RSA 21:6-a, in this chapter "residence" means a place where a person is living or temporarily staying for more than a total of 5 days during a one-month period, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

5 Registration of Criminal Offenders; Registration. Amend RSA 651-B:2 to read as follows:
651-B:2 Registration.

I. Every sexual offender or offender against children shall be registered with the department of safety, division of state police, as provided in this ~~[subdivision]~~ **chapter**.

II. Upon receipt of information pursuant to RSA 106-B:14 concerning ~~the conviction of~~ **the disposition of any charges against** any sex offender or offender against children, the division shall register such person and shall include the relevant information in the law enforcement name search (LENS) system.

III. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the division shall register such person and shall include the relevant information in the LENS system.

IV. The information that a person is required to register on the public list as a sexual offender or offender against children, including his or her qualifying offense or offenses, shall be available to law enforcement through the offender's criminal record and motor vehicle record. If an offender's obligation to register terminates for any reason, the department shall notify the division of motor vehicles of the change and the offender's motor vehicle record shall no longer reflect that the person is required to register as a sexual offender or offender against children.

6 Registration of Criminal Offenders; Release of Certain Sexual Offenders Into The Community; Duties. Amend RSA 651-B:3 to read as follows:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, **release into the community after involuntary commitment, release from a juvenile detention facility**, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the offender expects to reside. The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, **the department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency**. The department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. **Service by the department is not required if the offender has already registered with the local law enforcement agency in which the offender resides or is located as required by this chapter. At the time of the initial registration, the** ~~[The]~~ offender shall

acknowledge in writing that the offender has received ~~such~~ *notice of the duty to report*. ~~[The department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency.]~~ The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system.

III. Semi-annually, the department shall verify the address at which the offender resides by sending a letter by certified non-forwarding mail to the offender. The address verification shall be sent to the offender prior to the offender's birthday and again prior to the offender's 6-month semi-annual registration. The address verification shall remind the offender of the obligation to register in person on a semi-annual basis. The offender shall sign the letter and return it to the department within 10 business days of receipt. If the offender's mailing address is to a post-office box, the department shall deliver by other means as determined by the department a letter to the offender's residence. The offender shall sign and return the letter within 10 business days of receipt.

7 Registration of Criminal Offenders; Duty to Report. Amend RSA 651-B:4, I to read as follows:

I.(a)(1) Any person required to be registered under this chapter shall report in person [such person's current mailing address, place of residence or temporary domicile, and place of employment or schooling] to the local law enforcement agency within [30] 5 business days after the person's release as required under RSA 651-B:3, or within [30] 5 business days after the person's date of establishment of residence in New Hampshire if the person is required to register as a result of an offense committed in another jurisdiction. Such report shall also be made semi-annually within [30] 5 business days after each anniversary of the person's date of birth and the sixth month following the person's date of birth and additionally within [30] 5 business days after any change of [address or place of residence] any information the person is required to report pursuant to this chapter. If an offender has more than one residence, the offender shall report in person to each local law enforcement agency having jurisdiction over each of the offender's residences.

(2) Such person shall ~~[also]~~ be required to submit to a photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.

(3) *Such person shall also provide the following information at the time of registration: name, age, race, sex, date of birth, height, weight, hair and eye color, address of any permanent residence and address of any current temporary residence, within the state or out of state, mailing address, date and place of any employment or schooling, and vehicle make, model, color, license tag number. A post office box shall not be provided in lieu of a physical residential address. Such person shall also provide any additional information required by department rules adopted in accordance with RSA 651-B:8.*

(b) Any nonresident sexual offender or offender against children who enters this state for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year shall report *in person* to the local law enforcement agency having jurisdiction over the place of employment or school within ~~[10]~~ 5 business days of the nonresident offender entering the state for employment or schooling, and additionally within ~~[10]~~ 5 business days after any change of place of employment or schooling. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment, the offender shall register *in person* with the department in Concord. Upon the nonresident offender's initial registration, the local law enforcement agency or the department shall notify the offender of the offender's duty to report under this chapter. The offender shall report the address of the offender's place of employment or schooling while in the state, the address where the offender resides out of state, and other information required by *RSA 651-B:4, I(a)(3) and department rules adopted in accordance with RSA 651-B:8*. Such report shall also be made *semi-annually within [30] 5 business days after each anniversary of the person's date of birth and the sixth month following the person's date of birth*, and additionally within ~~[10]~~ 5 business days after any change ~~[of address or place of employment or schooling]~~ *in the information the person is required to report pursuant to this chapter.*

8 Registration of Criminal Offenders; Change of Name or Alias, or Address; Duty to Inform. Amend RSA 651-B:5 to read as follows:

651-B:5 Change of Name or Alias, or Address; Duty to Inform.

~~[1.]~~ When any person required to be registered under RSA 651-B:4, ~~I(a) changes residence, or their name or alias,~~ *changes any information the person is required to report*

~~pursuant to this chapter~~ the person shall give written notification of the [~~person's new address, name, or alias~~] **new information** to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within ~~[+0]~~ **5 business** days of such change of ~~information~~ [~~residence, name, or alias~~]. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence, **employment, or schooling**. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence **employment or schooling**, or the appropriate out-of-state law enforcement agency if the new place of residence, **employment or schooling** is outside New Hampshire[;]. **The division [and] shall include [such change of address or change of name] any new information in the LENS system.**

[H. When any nonresident person required to be registered under RSA 651-B:4, I(b) changes residence, place of employment or schooling, or their name or alias, the person shall give written notification of the person's new address, place of employment or schooling, name, or alias to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of residence, place of employment or schooling, name, or alias. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence, or the appropriate out-of-state law enforcement agency if the new place of residence is outside New Hampshire, and shall include such change of address or change of name information in the LENS system.]

III. Any sexual offender or offender against children who, with or without compensation, is employed by or attends any public or private educational institution for a period exceeding 14 consecutive days, or for an aggregate period of time exceeding 30 days during any calendar year, shall give written notification of any changes to the person's place of employment or schooling to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of place of employment or schooling. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. If the sexual offender or offender against children continues to be employed by or attend any public or private educational institution, the division shall notify the local law enforcement agency at the new place of employment or schooling, or the appropriate out-of-state law enforcement agency if the new place of employment or schooling is outside New Hampshire, and shall include such changes in the LENS system.]

9 Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6, II to read as follows:

II. Any sexual offender required to register as a result of a violation or attempted violation of RSA 632-A:4, I(a) or RSA 645:1, II, and any offender against children required to register as a result of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register provisions of paragraph II, any sexual offender or offender against children who is required to register as a result **of a violation** of more than one offense listed in RSA 651-B:1, III or RSA 651-B:1, V, or who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

10 New Paragraph: Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6 by inserting after paragraph III the following new paragraph:

IV. Registration of any juvenile required to register pursuant to RSA 651-B:1, VII(a)(3) or (4) shall end when the juvenile turns 17 years of age unless the court which adjudicated the juvenile as a delinquent retains jurisdiction over the juvenile pursuant to RSA 169-B:4, V, in which case registration of the juvenile shall end when the court terminates jurisdiction over the juvenile's case. When the registration of a juvenile terminates, the department shall remove information relating to the juvenile from the LENS system and records of the juvenile's registration shall be handled in accordance with RSA 169-B:35 and RSA 169-B:36.

11 Availability of Information to the Public. Amend 651-B:7, II-VI(a) to read as follows:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who are required to register as a result of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

(1) *RSA 632-A:2, I(j)*

(2) *RSA 632-A:2, I(k)*

[(+)](3) *RSA 632-A:2, I(l)*.

[(2)](4) *RSA 632-A:2, II-III.*

[(3)](5) *RSA 632-A:3, II, provided that the age difference between the [convicted] individual required to register and the victim was more than 3 years at the time of the offense.*

[(+)](6) *RSA 632-A:3, III.*

[(5)](7) *RSA 645:1, II-III.*

[(6)](8) Any offense described in *RSA 651-B:1, V.*

(b)(1) The list described in subparagraph (a) shall include:

(A) The name, address, and date of birth of the registered individual.

(B) The offense for which the individual is required to register.

(C) The date and court of the adjudication on the offense for which the individual is registered.

(D) Outstanding arrest warrants, and the information listed in subparagraphs (b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the obligation to register under this chapter.

(E) A photograph or physical description of the individual, if available.

(2) Where such information is available, the list may also include:

(A) The date and court of the individual's other adjudications, if any.

(B) Information on the profile of the victim or victims of the individual's offense or offenses.

(C) The method of approach utilized by the individual.

(3) In no event shall the list include the identity of any victim. *Sexual offenders convicted under RSA 632-A:2 shall be listed on the public list in a manner which does not disclose, directly or indirectly, that the victim and the defendant were related or members of the same household. For sexual offenders convicted under RSA 632-A:1, I, no specific reference to any statutory subparagraph shall appear on the public list.*

(c) *In no event shall the list made available to the public pursuant to this section include a sexual offender or offender against children who has been adjudicated as a juvenile delinquent.*

III. At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections, [and] the superintendent of each county department of corrections and the commissioner of the department of health and human services shall forward to the division a statement identifying every offender who is confined in a facility under their control who is required to register as a result of *a violation or attempted violation* of an offense described in subparagraph II(a), and who is eligible at that time for any unsupervised work detail, release into the community following secure psychiatric care, or other assignment which may bring the offender into contact with members of the public. These statements shall include the information set forth in subparagraphs II(b)(1)(A), (B), and (C), and may also include the information set forth in subparagraphs II(b)(2)(A)-(D). In no event shall the statements include the identity of any victim. These statements shall be incorporated by the division into the list maintained under paragraph II.

IV.(a) The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, through written, electronic, computerized, or other accessible means, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to a local law enforcement agency. The department of safety may make the list available to interested members of the public through the use of the department's official public Internet access site. The department shall adopt rules, pursuant to *RSA 541-A*, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules may also include provisions for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

(b) Local law enforcement agencies may photograph, at the time of the registration, any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function.

(c) In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the public list received by the agency pursuant to paragraph IV(a) is residing in the community.

V. Local law enforcement agencies, employees of local law enforcement agencies, [and] county and state officials, *municipal and school officials, and municipalities and school districts* shall be immune from civil and criminal liability for good faith conduct under this chapter, *including any decision to provide or not provide affirmative notification to the public pursuant to RSA 651-B:7, IV(c).* Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

VI. (a) Notwithstanding the provisions of this section, any individual required to be registered whose name and information is contained on the list described in subparagraph II(a) and who ~~[has been convicted]~~ *is required to register as a result* of any violation or attempted violation of RSA 632-A:2, III or RSA 632-A:3, II, provided that the age difference between the ~~[convicted]~~ individual *required to register* and the victim was 3 years or less at the time of the offense and the person has no prior ~~[convictions]~~ *adjudications* requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 10 years after the date of release ~~[following conviction]~~. After review of the application, the court may schedule a hearing. *Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.*

12 Registration of Criminal Offenders; Penalties. Amend RSA 651-B:9 to read as follows
651-B:9 Penalty.

I. A sexual offender or offender against children *who is required to register under this chapter* and who negligently fails to comply with the requirements of this chapter shall be guilty of a ~~[violation]~~ *misdemeanor*.

II. A sexual offender or offender against children *who is required to register under this chapter and* who knowingly fails to comply with the requirements of this chapter shall be guilty of a ~~[misdemeanor]~~ *class B felony. An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, shall be required to register for additional 10 years from the date of conviction for violating this paragraph. The obligation to register for an additional 10 years from the date of conviction for violating this paragraph shall be consecutive to the registration period imposed pursuant to RSA 651B:6 and shall be imposed even if the original registration period has elapsed.*

III. A sexual offender or offender against children previously convicted ~~[of a misdemeanor]~~ pursuant to paragraph II *who is required to register under this chapter and* who knowingly fails to comply with the requirements of this chapter shall be guilty of a class ~~[B]~~ *A* felony. *An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, who is convicted for violating this paragraph shall be required to register for life.*

IV. *The penalties imposed under paragraphs I-III shall not apply to juveniles required to register pursuant to RSA 651-B:1, VII(a)(3) or (4). The court with jurisdiction over such juveniles may impose an appropriate disposition for a violation of this section.*

~~[H-]~~ V. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

VI. *A sexual offender or offender against children who knowingly provides false information in response to any of the requirements of this chapter shall be guilty of a class B felony.*

VII. *A person is guilty of a class B felony if the person has reason to believe that a sexual offender or offender against children is not complying, or has not complied, with the require-*

ments of this chapter and who purposely assists the offender in eluding any law enforcement agency that is seeking to find the offender to question the offender about, or to arrest the offender for, his or her non-compliance with the requirements of this chapter, and engages in any of the following acts or omissions:

(a) Withholds information from, or does not notify, the law enforcement agency about the offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the offender;

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the offender;

(d) Provides information to the law enforcement agency regarding the offender which the person knows to be false information; or

(e) Warns the offender that the law enforcement agency is attempting to locate the offender.

13 New Sections; Registration of Criminal Offenders; Registration Fee; Application. Amend RSA 651-B by inserting after section 10 the following new sections:

651-B:11 Registration Fee.

I. A sexual offender or offender against children shall pay a fee of [~~\$25~~] \$15 at the time of the offender's initial registration and semi-annually at the time of the offender's re-registration. *The department shall use all fees collected under this paragraph to defray the cost of maintaining the sex offender registry. Such funds shall be continually appropriated to the department for such use and shall be nonlapsing.*

II. Anyone required to pay the registration fee who cannot afford to pay the fee shall, within 10 days of registration, request a waiver of the fee and a hearing on the matter before the commissioner. If such a request is made, the commission shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. At the hearing the offender shall have the burden to prove that the offender cannot afford to pay the fee because the offender is indigent. After hearing, the decision of the commission shall be final, and the offender shall have a right to appeal the decision in the superior court. Under no circumstances shall the offender's request for a hearing or indigency relieve the offender of the obligation to register pursuant to the time-frames required by this chapter.

651-B:12 Application. Whenever possible, the provisions of this chapter shall be interpreted and applied consistent with the provisions of the federal Jacob Wetterling Act, as amended.

14 Capital Offense and Murder in the First Degree. Amend RSA 597:1-c to read as follows:

597:1-c [~~Capital Offenses and Murder in the First Degree;~~] *Offenses Punishable By Life Imprisonment.* Any person arrested for an offense punishable by *up to life in prison* [~~death or murder in the first degree~~], where the proof is evident or the presumption great, shall not be allowed bail.

15 Sexual Assault and Offenses; Penalties. Amend the introductory paragraph of RSA 632-A:10-a to read as follows:

632-A:10-a Penalties. Notwithstanding RSA 651:2, *and except where an extended term is sought as provided in RSA 651:6:*

16 New Subparagraph; Sexual Assault and Offenses. Amend RSA 632-A:10-a, V by inserting after subparagraph (b) the following new subparagraph:

(c) Prior to granting any petition pursuant to paragraph V(b), the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.

17 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(j) to read as follows:

(j) Possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, stalking, or a violation of any provision of RSA 318-B. In this section, the term "radio device" means any device capable of receiving a wireless transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless transmission; [or]

18 New Subparagraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I by inserting after subparagraph (k) the following new subparagraphs:

(l) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, I(l) or RSA 632-A:2, II where the defendant was 18 years of age or older at the time of the offense;

(m) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, III, and one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(I) or RSA 632-A:2, II, or both, and the defendant was 18 years of age or older when the pattern of sexual assault began;

(n) Has purposely, knowingly, or recklessly with extreme indifference to the value of human life committed an act or acts constituting first degree assault as defined in RSA 631:1 against a person under 13 years of age where the serious bodily injury has resulted in brain damage or physical disability to the child that is likely to be permanent; or

(o) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age. 19 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, III to read as follows:

III. If authorized by paragraph I or II, and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a defendant may be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of:

(a) Any felony, other than murder or manslaughter, a minimum to be fixed by the court of not more than 10 years and a maximum to be fixed by the court of not more than 30 years;

(b) A misdemeanor, a minimum to be fixed by the court of not more than 2 years and a maximum to be fixed by the court of not more than 5 years;

(c) Manslaughter, a minimum to be fixed by the court of not more than 20 years and a maximum to be fixed by the court of not more than 40 years;

(d) Murder, life imprisonment;

(e) Two or more offenses under RSA 632-A:2, life imprisonment without parole;

(f) A third offense under RSA 632-A:3, life imprisonment; *or*

(g) ~~A class A felony under RSA 632-A:2, I(I) and a subsequent separate offense under RSA 632-A:2, I(I), a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole; or~~

~~(h)] Any of the crimes listed under RSA 651:6, I(j), a minimum to be fixed by the court of not less than 90 days and a maximum of not more than one year.~~

20 New Paragraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6 by inserting after paragraph III the following new paragraphs:

IV. If authorized by subparagraphs I(I), (m), or (n) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person may be sentenced to an extended term of imprisonment as follows:

(a) A minimum to be fixed by the court of not more than 25 years and a maximum of life imprisonment; and

(b) The sentence shall also include, in addition to any other penalties provided by law, a special sentence of lifetime supervision by the department of corrections. The defendant shall comply with the conditions of lifetime supervision which are imposed by the court or the department of corrections. Violation of any of the conditions of lifetime supervision shall be deemed contempt of court. The special sentence of lifetime supervision shall begin upon the offender's release from incarceration, parole or probation. A defendant who is sentenced to lifetime supervision pursuant to this paragraph is not eligible for release from the lifetime supervision pursuant to RSA 632-A:10-a, V(b).

V. If authorized by subparagraph I(o) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows: a minimum to be fixed by the court of not less than 35 years and a maximum of life imprisonment.

VI. A person shall be sentenced according to the terms of paragraph VII if the court finds, and includes such findings in the record, that such person:

(a)(1) Committed a violation of RSA 632-A:2, I(I), RSA 632-A:2, II, or RSA 632-A:2, III, in which one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(I) or RSA 632-A:2, II, or both, after having previously been convicted of an offense in violation of one of the aforementioned offenses or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(b)(1) Committed a violation of RSA 631:1 after having previously been convicted of an offense in violation of RSA 631:1, or any other statute prohibiting the same conduct in another state, territory or possession of the United States, if the earlier offense also involved a victim under 13 years of age where the serious bodily injury resulted in brain damage or physical disability to the child that is likely to be permanent; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(c)(1) Committed a violation of RSA 630:1-b after having previously been convicted of an offense in violation of RSA 630:1-b, or any other statute prohibiting the same conduct in another state, territory, or possession of the United States; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release.

VII. If the court has made the findings authorized by RSA 651:6, VI, and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment of life without parole.

21 New Chapter; Involuntary Civil Commitment of Sexually Violent Predators. Amend RSA by inserting after chapter 135-D the following new chapter:

INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

135-E:1 Findings and Intent. The general court finds that a small but extremely dangerous number of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for involuntary treatment under RSA 135-C, which is intended to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities, and those features render them likely to engage in criminal, sexually violent behavior. The general court further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The general court further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under existing law. It is therefore the intent of the general court to create a civil commitment procedure for the long-term care and treatment of sexually violent predators.

135-E:2 Definitions. In this chapter:

I. "Agency with jurisdiction" means the agency that releases, upon lawful order or authority, a person who is serving a sentence in the custody of the department of corrections, or a person who was involuntarily committed upon a finding that the person was not guilty by reason of insanity or incompetent to stand trial.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Convicted of a sexually violent offense" means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;

(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Found incompetent to stand trial on a charge of a sexually violent offense and the court makes the finding required pursuant to RSA 135-E:5.

IV. "Court" means the superior court in the county where that person was last convicted of a sexually violent offense, or if the person is in custody on an out-of-state or federal sexually violent offense the county where the person plans to reside upon release or, if no residence in this state is planned, in the county where the facility from which the person to be released is located.

V. "Department" means the department of health and human services.

VI. "Likely to engage in acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree that the person has serious difficulty in controlling his or her behavior as to pose a potentially serious likelihood of danger to others.

VII. "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

VIII. "Parole board" means the adult parole board established in RSA 651-A:3.

IX. "Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under this chapter.

X. "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for sexual gratification.

XI. "Sexually violent offense" means:

(a) Capital murder in violation of RSA 630:1, I(e);

(b) First degree murder in violation of RSA 630:1-a, I(b)(1);

(c) Aggravated felonious sexual assault in violation of RSA 632-A:2;

(d) Kidnapping in violation of RSA 633:1, I(d), where the offender confined the victim with the purpose to commit sexual assault against the victim;

(e) Burglary in violation of RSA 635:1, I, where the offender entered a building or occupied structure with the purpose to commit sexual assault;

(f) An attempt, criminal solicitation, or conspiracy, to commit any of the offenses listed above; or

(g) A violation of any other statute prohibiting the same conduct as the offenses listed above in another state, territory, or possession of the United States.

XII. "Sexually violent predator" means any person who:

(a) Has been convicted of a sexually violent offense;

(b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment; and

(c) Is not eligible for involuntary admission under RSA 135-C or RSA 171-B.

XIII. "Total confinement" means that the person is being held in any physically secure facility being operated by or contractually operated for the department of corrections or the department of health and human services. A person shall also be deemed to be in total confinement for applicability of provisions under this chapter if the person is serving an incarcerative sentence under the custody of the department of corrections or is being held in any other secure facility for any reason. A person is not subject to total confinement if the person is subject to an incarcerative sentence or other custody in a secure facility but has contact with the community, such as through work release, a halfway house, or other supervised or unsupervised release into the community.

135-E:3 Notice to County Attorney or Attorney General; Multidisciplinary Teams Established.

I. The commissioner, or designee, shall establish a multidisciplinary team or teams, each of which shall include, but is not limited to, 2 licensed psychiatrists or psychologists or one licensed psychiatrist and one licensed psychologist each of whom has specialized training or experience in the area of treatment and diagnosis of sex offenders. The attorney general shall serve as legal counsel to the multidisciplinary team. The purpose of the team shall be to evaluate whether persons convicted of a sexually violent offense who are eligible for release from total confinement meet the definition of a sexually violent predator.

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense the agency with jurisdiction shall give written notice to the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given:

(a) At least 9 months prior to the anticipated release from total confinement of a person serving a sentence in the custody of the department of corrections, except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable; or

(b) At least 9 months prior to the anticipated hearing regarding possible release of a person committed to the custody of the department who has been found not guilty by reason of insanity for a sexually violent offense.

III. Upon receipt of such notice, if there is an articulable basis to believe that the person is likely to engage in acts of sexual violence, either the county attorney, attorney general, or the agency with jurisdiction may request that the multidisciplinary team assess and evaluate the person to determine whether the person is a sexually violent predator.

IV. If a request to assess and evaluate a person is made pursuant to paragraph III, the agency with jurisdiction shall provide the multidisciplinary team with the following information:

(a) The person's name, identifying characteristics, anticipated future residence, the type of supervision the person will receive in the community, if any, and the person's offense history;

(b) The person's criminal history, including police reports, victim statements, pre-sentence investigation reports, post-sentence investigation reports, if available, and any other documents containing facts of the person's criminal incidents;

(c) Mental health, mental status, and medical records, including all clinical records and notes concerning the person;

(d) Documentation of institutional adjustment and any treatment received; and

(e) If the person was returned to custody after a period of supervision, documentation of adjustment during supervision and any treatment received.

V.(a) The multidisciplinary team shall assess and evaluate each person referred to the team. The assessment and evaluation shall include a review of the person's institutional history and treatment record, if any, the person's criminal background, and any other factor that is relevant to the determination of whether such person is a sexually violent predator.

(b) Before concluding the evaluation, the multidisciplinary team shall offer the person being evaluated a personal interview. If the person agrees to participate in a personal interview, at least one member of the team who is a licensed psychiatrist or psychologist shall conduct the interview. If the person refuses to fully participate in a personal interview, the multidisciplinary team may proceed with its recommendation without a personal interview of the person.

(c) Within 6 months after receiving notice of a person's anticipated release from total confinement, the department of health and human services shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

13-E:4 Release From Total Confinement; Transfers; Petition to Hold in Custody.

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release from total confinement, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

II. Within 72 hours after finding probable cause, the multidisciplinary team shall assess whether the person meets the definition of a sexually violent predator. If the multidisciplinary team determines that the person does not meet the definition of a sexually violent predator, the department shall provide notice to the county attorney or attorney general and that person shall be immediately released. If the multidisciplinary team determines that the person meets the definition of a sexually violent predator, the team shall provide the county attorney or attorney general with its written assessment and recommendation within the 72-hour period or, if the 72-hour period ends on a weekend or holiday, within the next working day thereafter.

III. Within 48 hours after receipt of the written assessment and recommendation from the multidisciplinary team, the county attorney or attorney general may file a petition with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If a petition is not filed within 48 hours after receipt of the written assessment and recommendation by the county attorney or attorney general, the person shall be immediately released. If a petition is filed pursuant to this section, the person shall be held in an appropriate secure facility for further proceedings in accordance with this chapter.

IV. A person shall be released if the multidisciplinary team or the county attorney or attorney general do not comply with the time limitations in this section. The provisions of this section, however, are not jurisdictional, and failure to comply with the time limitations, which results in the release of a person who has been convicted of a sexually violent offense, is not dispositive of the case and does not prevent the county attorney or attorney general from filing a petition against a person otherwise subject to the provisions of this chapter. However, the court shall not consider any petition filed more than 6 months after the person's release from incarceration unless the timing of the petition is due to newly discovered material facts, which shall be alleged in the petition.

135-E:5 Persons Found Incompetent to Stand Trial.

I. If the county attorney or attorney general seeks to civilly commit a person charged with a sexually violent offense and found incompetent to stand trial, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, for proceedings pursuant to this section.

II. The court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue shall comply with all the procedures specified in this section. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged beyond a reasonable doubt. In determining whether the state has met its burden, the court shall consider the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including the person's ability to assist his or her counsel by recounting the facts, identifying witnesses, testifying in his or her own defense, or providing other relevant information or assistance to counsel or the court. If the person's incompetence substantially interferes with the person's ability to assist his or her counsel, the court shall not find the person committed the act or acts charged unless the court can conclude beyond a reasonable doubt that the acts occurred, and that the strength of the state's case, including physical evidence, eye witness testimony, and corroborating evidence, is such that the person's limitations could not have had a substantial impact on the proceedings. If, after the conclusion of the hearing, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable to the supreme court on that issue. If the person appeals, the person shall be held in an appropriate secure facility. If the person does not appeal or if the appeal is unsuccessful, the court shall proceed as specified in this section.

III. Within 90 days after the court finds that the person committed the act or acts charged or after appeal, the multidisciplinary team shall conduct an evaluation pursuant to the procedures outlined in RSA 135-E:3 to determine whether the person meets the definition of a sexually violent predator and the department shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

135-E:6 Petition; Contents. If the multidisciplinary team finds the person meets the definition of a sexually violent predator, the county attorney or attorney general may file a petition within 14 days with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If the county attorney or attorney general does not file a petition within 14 days, and the person is otherwise subject to release, the person shall be released.

135-E:7 Determination of Probable Cause.

I. When the county attorney or attorney general files a petition seeking to have a person declared a sexually violent predator, within 10 days of the filing of the petition, the court shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the court determines based on the content of the petition that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and be held in an appropriate secure facility for further proceedings in accordance with this chapter.

II. If the offender's incarcerative sentence expires before a hearing on the merits of a petition for civil commitment pursuant to this chapter, the court shall conduct a probable cause hearing within 2 days of the expiration of the person's incarcerative sentence. If the court concludes following the hearing that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and held in an appropriate secure facility for further proceedings in accordance with this chapter.

135-E:8 Contract Authority. The department may contract with a private entity or state agency for use of and operation of facilities to comply with the requirements of this chapter.

135-E:9 Trial; Procedure.

I. The person or the county attorney or attorney general has the right to demand that the trial be before a jury. A demand for a jury trial must be filed, in writing, no later than 30 days after the finding of probable cause. If no demand is made, the trial shall be to the court. At all adversarial proceedings under this chapter, the person subject to this chapter is entitled to the assistance of appointed counsel if the person is indigent.

II. Within 60 days after the court's initial determination of probable cause, or, in cases where a jury trial has been elected, 60 days after the election of a jury trial, the court shall conduct a trial to determine whether the person is a sexually violent predator.

III. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the interests of justice, when the person will not be substantially prejudiced by the delay.

IV. The person may retain experts or mental health professionals to perform an examination. If the person wishes to be examined by a professional of the person's own choice, the examiner shall be provided reasonable access to the person, as well as to all relevant medical and mental health records and reports. In the case of a person who is indigent, the court, upon the person's request, shall appoint experts or authorize other services pursuant to RSA 604-A:6. If the defendant retains an expert to perform a mental health examination, the person shall also submit to an examination by an expert of the state's choosing. If the person refuses to submit to an examination by the state's expert the court shall prohibit the person's mental health experts from testifying concerning any mental health tests, evaluations, or examinations of the person.

135-E:10 Rules of Procedure and Evidence. In all civil commitment proceedings for sexually violent predators under this chapter:

I. The doctor-patient privilege under RSA 329:26, RSA 330-A:19, the rules of evidence or other similar statutes or rules shall not apply in proceedings under this chapter.

II. The court may consider evidence of the person's prior conduct if such evidence is relevant to the issue of whether the person is a sexually violent predator.

III. Hearsay evidence, including reports of a member of the multidisciplinary team or reports produced on behalf of the multidisciplinary team, shall be admissible in proceedings under this chapter unless the court finds that such evidence is not reliable. In a trial, however, hearsay evidence shall not be used as the sole basis for committing a person under this chapter.

135-E:11 Determination.

I. The state shall have the burden of proving by clear and convincing evidence that the person is a sexually violent predator. If the determination is made by a jury, the verdict shall be unanimous. If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial. If the court declares a mistrial, the county attorney or attorney general may refile the petition and proceed according to the provisions of this chapter. Any retrial shall occur within 90 days after the previous trial, unless the subsequent proceeding is continued in accordance with RSA 135-E:9, II.

II. If the court or jury determines that the person is a sexually violent predator, upon the expiration of the incarcerative portion of all criminal sentences and disposition of any detainees other than detainees for deportation by the United States Bureau of Citizenship and Immigration Services, the person shall be committed to the custody of the department of health and human services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person no longer poses a potentially serious likelihood of danger to others. At all times, persons who are detained or committed under this chapter shall be kept in a secure facility segregated from patients of the department who are not detained or committed under this chapter. An order committing a person shall be valid for up to 5 years.

III. The determination that a person is a sexually violent predator may be appealed. The public defender shall be appointed to represent the person on appeal if the person is indigent.

135-E:12 Examinations; Release of Committed Persons.

I. Prior to the expiration of the initial commitment order or any recommittal order, the county attorney or attorney general may file a petition to recommit the person.

II. If the state petitions to renew the committal, the court shall hold a hearing. The person is entitled to be present and is entitled to the benefit of all procedural protections afforded the person at the initial trial, except for the right to a jury. The state has the right to have the person examined by professionals chosen by the state. At the hearing, the state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator. Any recommittal order shall be valid for a period of up to 5 years.

135-E:13 Authorized Petition for Release.

I. If the commissioner, or designee, at any time determines that the person is not likely to commit acts of sexual violence if discharged, the commissioner or his or her designee shall notify the court and the court shall hold a hearing. The petition shall be served upon the court and the county attorney or attorney general. The court, upon receipt of such notice, shall schedule a hearing within 60 days, unless continued for good cause.

II. The county attorney or attorney general shall represent the state, and has the right to have the person examined by professionals of the county attorney or attorney general's choice. The state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator.

135-E:14 Petitions for Release. A person may file a petition for discharge at any time after commitment under this chapter without the approval of the commissioner, or his or her designee. Notice of the petition shall be provided to the commissioner and to the county attorney or attorney general. After reviewing the petition filed by the person the court may request the commissioner or county attorney or attorney general to respond to the petition. The commissioner or county attorney or attorney general is not required to respond to a petition filed pursuant to this section unless ordered to do so by the court. If the court determines that appointment of counsel may assist in an appropriate resolution of the petition, and the person is indigent, the court shall appoint counsel to represent the person. If the court determines that the petition is without merit on its face, the court may deny the petition without a hearing.

135-E:15 Release of Records to Agencies.

I. In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency with jurisdiction, to a multidisciplinary team, or to the county attorney or attorney general for the purpose of meeting the notice requirements of this chapter and determining whether a person is or continues to be a sexually violent predator. A person, agency, or entity receiving information under this section which is confidential shall maintain the confidentiality of that information. Such information does not lose its confidential status due to its release under this section.

II. Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, pre-sentence investigative report, or victim impact statements that have been submitted to the court or admitted into evidence under this chapter shall be part of the record but shall be sealed and may be opened only pursuant to a court order.

135-E:16 Constitutional Requirements. The long-term control, care, and treatment of a person committed under this chapter shall conform to constitutional requirements.

135-E:17 Immunity from Civil Liability. The agency with jurisdiction and its officers and employees; the department and its officers and employees; members of the multidisciplinary team; the county attorney or attorney general and the county attorney or attorney general's employees; and those involved in the evaluation, care, and treatment of sexually violent persons committed under this chapter are immune from any civil liability for good faith conduct under this chapter.

135-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications to this chapter which can be given effect without the invalid provisions or applications, and to this end the unconstitutional provisions or applications of this chapter are severable.

135-E:19 Applicability. This chapter applies retroactively to all persons in custody as of the effective date of this statute who have been convicted of a sexually violent offense, as well as prospectively.

135-E:20 Notice Requirements.

I. No later than 30 days prior to the release of a sexually violent predator, the department shall give written notice of the person's release to the victim advocate for the county in which the person was prosecuted, and to the extent possible the victim or the victim's family shall be notified.

II. If a sexually violent predator who has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision is released from custody, the department shall immediately notify the department of corrections. The parole board shall also be immediately notified of the release of a sexually violent predator who has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:21 Escape.

I. A person who escapes or attempts to escape from lawful custody pursuant to this chapter is guilty of a class A felony.

II. If a person escapes while in custody pursuant to this chapter, the department shall immediately notify the victim and the county attorney or attorney general that filed the petition for civil commitment. If the escapee has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision, the department shall also immediately notify the department of corrections. The parole board shall also be immediately notified of an escape if the escapee has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:22 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures to be followed by members of the multidisciplinary teams when assessing and evaluating persons subject to this chapter.

II. Education and training requirements for members of the multidisciplinary teams and professionals who assess and evaluate persons under this chapter.

III. The designation of secure facilities for sexually violent predators who are subject to involuntary commitment under this chapter.

IV. The components of the basic treatment plan for all committed persons under this chapter.

V. The protocol for informing a person that he or she is being evaluated to determine whether he or she is a sexually violent predator under this chapter. Such protocol shall include procedures for informing the person of the right to refuse to participate in a personal interview with the multidisciplinary team or members thereof, the right to consult with counsel prior to participating in such an interview, and the right to have counsel appointed if the person is indigent.

135-E:23 Appointment of Counsel. The right of a person sought to be committed as a sexually violent predator to legal counsel prior to and during any judicial hearing conducted under this chapter shall be absolute and unconditional. The right to legal counsel for any person sought to be committed during any judicial proceeding conducted under this chapter shall be waived only if the client or person sought to be committed makes an informed decision to do so. The person sought to be committed shall pay the costs of the legal services in connection with hearings held under this chapter. If the person sought to be committed is unable to pay for counsel, the court shall appoint counsel pursuant to RSA 604-A:2. Such appointment shall be made no later than upon the filing of the petition and shall be made upon request of the person before any interview or personal examination of the person is conducted by the multidisciplinary team or other person in preparation for the filing of a petition.

22 Commitment to Hospitals; Competency Hearing; Commitment for Treatment. Amend RSA 135:17-a, V as follows:

V. If the court has determined that the defendant has not regained competency, and the court determines that he or she is dangerous to himself or herself or others, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, to be evaluated for the appropriateness of involuntary treatment pursuant to RSA 135-C:34 or RSA 171-B:2. The court may order the person to submit to examinations by a physician, psychiatrist, or psychologist designated by the state for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, the state developmental services delivery system, or the secure psychiatric unit, as the case may be. *If a defendant who was charged with a sexually violent offense, as defined in RSA 135-E:2, XI, has not regained competency, the court shall proceed pursuant to RSA 135-E.*

23 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (j) the following new subparagraph:

(k) Order the minor to register as a sexual offender or offender against children pursuant to RSA 651-B until the juvenile reaches the age of 17 if the court finds that the minor presents a risk to public safety.

24 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, III-a by inserting after subparagraph (e) the following new subparagraph:

(f) If the court retains jurisdiction over the minor pursuant to RSA 169-B:4, V, and the court has determined that the minor is required to register as a sexual offender or offender against children pursuant to RSA 169-B:19, I(k), the minor shall continue to register pursuant to RSA 651-B; provided, that so long as the court retains jurisdiction over the case.

25 New Subparagraph; Delinquent Children; Juvenile Case and Court Records. Amend RSA 169-B:35, III by inserting after subparagraph (c) the following new subparagraph:

(d) Pursuant to RSA 651-B, the department of safety shall disclose registration information to law enforcement agencies for juveniles if the court has found that the juvenile is required to register as a sexual offender or offender against children. In no event shall any juvenile required to register be listed on the list of sexual offenders and offenders against children made available to the public pursuant to RSA 651B:7.

26 Committee to Identify and Evaluate Classification and Risk Assessment Procedures for Convicted Sex Offenders and Offenders Against Children Established.

I. There is established a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

II. The members of the committee shall be as follows:

(a) Four members of the house of representatives, at least 2 of whom shall be from the criminal justice and public safety committee, and one of whom shall be from the judiciary committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

(b) Identify classification and risk assessment procedures from other states, including those in the New England region.

(c) Identify the scope, use, and effectiveness of such procedures.

(d) Identify the benefits and liabilities of notifying the public of each level of classification and the best system for such notification.

(e) Identify funding sources for such classification and risk assessment procedures.

(f) Identify implementation procedures for past, present, and future offenders.

(g) Identify methods of evaluation and accountability.

(h) Study any additional information that the committee deems necessary.

V. The committee shall use the information collected to make recommendations to the legislature for the management of sex offenders and offenders against children.

VI. The committee shall solicit information and testimony from any organization or individual as deemed necessary to assist the committee in the performance of its duties, including:

(a) Employees of the department of safety with direct responsibility for maintaining the New Hampshire sex offender registry.

(b) Other department of safety employees as may be necessary.

(c) The department of corrections.

(d) The department of education.

(e) Forensic evaluators.

(f) Sex offender treatment providers.

(g) Victims' advocates.

(h) A licensed New Hampshire attorney primarily engaged in the practice of criminal defense.

(i) The New Hampshire Civil Liberties Union.

(j) The New Hampshire Association of Chiefs of Police.

(k) An advocate for the developmentally disabled.

VII. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VIII. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

27 Global Positioning Satellite Monitoring; Feasibility Study. The department of corrections shall implement a study to evaluate the feasibility and efficacy of instituting life-time monitoring of serious sexual offenders and offenders against children by means of global positioning satellite technology or

other monitoring or tracking systems and report the results of the study to the general court on or before November 1, 2006. The department of corrections shall implement a system for tracking sexual offenders and offenders against children by global positioning satellite technology by July 1, 2008.

28 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

29 Effective Date.

I. Sections 26, 27, and 29 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill revises the statutes concerning sexual predators, and establishes a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

Rep. Dowling spoke in favor.

Majority committee amendment adopted.

Rep. Stevens offered floor amendment (1425h).

Minority Amendment (1425h)

Amend the bill by replacing all after the enacting clause with the following:

I Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, III to read as follows:

III. "Sexual offender" means a person who is required to register as a result of any violation or attempted violation of:

(a) RSA 632-A:2, 632-A:3, 632-A:4, I(a), 632-A:4, I(b) if the actor was 21 years of age or older at the time of the offense, 645:1, II, or 645:1, III; ~~or~~

(b) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a)[-]; *or*

(c) Any other criminal offense which is not specifically listed in subparagraph (a) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider whether the victim was a minor at the time of the crime; the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

2 Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, V to read as follows:

V. "Offender against children" means a person who is required to register as a result of any violation or attempted violation of:

(a) Any of the following offenses, where the victim was under the age of 18 at the time of the offense, RSA 633:1, 633:2, 633:3, 639:2, or 645:2; or

(b) RSA 169-B:41, II, 639:3, III, 649-A:3, 649-B:3, 649-B:4 or 650:2, II; or

(c) A law of another state or the federal government reasonably equivalent to a violation listed in subparagraph (a) or (b)[-]; *or*

(d) Any other criminal offense committed against a victim under the age of 18 at the time of the offense which is not specifically listed in subparagraph (a) or (b) if the court finds by clear and convincing evidence at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification and

protection of the public would be furthered by requiring the person to register. In determining whether the offender should be required to register, the court may consider the offender's prior criminal history and any other relevant information. Duration of the registration shall be for a period of time as required by the court but not less than 10 years from the date of release from custody. The court shall also make a finding as to whether the offender's name and registration information shall appear on the public list authorized by RSA 651-B:7. In determining whether the offender's name shall appear on the public list, the court shall consider the nature of the offenses that are currently listed on the public list; whether public safety would be furthered by including the offender on the public list; and any other relevant factors. The hearing at which such a determination is made shall comply with due process requirements, including a right to appeal the finding. The court shall provide the defendant an opportunity to be heard on the issue prior to the imposition of the registration requirement and shall state on the record the reasons for its findings and the reasons for requiring registration.

3 Registration of Criminal Offenders; Definitions. RSA 651-B:1, VII is repealed and reenacted to read as follows:

VII.(a) "Required to register" means that a sexual offender or offender against children was charged with an offense or an attempt to commit an offense listed in this chapter that resulted in one of the following outcomes:

- (1) Conviction;
 - (2) A finding of not guilty by reason of insanity;
 - (3) An adjudication as a juvenile delinquent and the court at the time of the dispositional hearing finds, pursuant to RSA 169-B:19, that the juvenile is required to register;
 - (4) An adjudication of juvenile delinquency or its equivalent in another state or territory of the United States if the juvenile is required to register under the laws of that jurisdiction; or
 - (5) An order committing the person as a sexually violent predator pursuant to RSA 135 E.
- (b) A juvenile certified to stand trial as an adult, who is convicted, found not guilty by reason of insanity, or committed as a sexually violent predator, shall be treated as an adult for all purposes under this chapter.

4 New Paragraph; Registration of Criminal Offenders; Definitions. Amend RSA 651-B:1, by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding RSA 21:6-a, in this chapter "residence" means a place where a person is living or temporarily staying for more than a total of 5 days during a one-month period, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

5 Registration of Criminal Offenders; Registration. Amend RSA 651-B:2 to read as follows:

651-B:2 Registration.

I. Every sexual offender or offender against children shall be registered with the department of safety, division of state police, as provided in this ~~subdivision~~ chapter.

II. Upon receipt of information pursuant to RSA 106-B:14 concerning ~~[the conviction of]~~ *the disposition of any charges against* any sex offender or offender against children, the division shall register such person and shall include the relevant information in the law enforcement name search (LENS) system.

III. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, the division shall register such person and shall include the relevant information in the LENS system.

IV. *The information that a person is required to register on the public list as a sexual offender or offender against children, including his or her qualifying offense or offenses, shall be available to law enforcement through the offender's criminal record and motor vehicle record. If an offender's obligation to register terminates for any reason, the department shall notify the division of motor vehicles of the change and the offender's motor vehicle record shall no longer reflect that the person is required to register as a sexual offender or offender against children.*

6 Registration of Criminal Offenders; Release of Certain Sexual Offenders Into The Community; Duties. Amend RSA 651-B:3 to read as follows:

651-B:3 Release of Certain Sexual Offenders Into the Community; Duties.

I. Upon release of any sexual offender or offender against children required to register, whether on probation, parole, conditional or unconditional release, completion of sentence, release from secure psychiatric care, *release into the community after involuntary commitment, release from*

a juvenile detention facility, or for any other reason, the official in charge of such release shall notify the offender of the offender's duty to report under this chapter. The offender shall acknowledge in writing that he has received such notice. The official shall obtain the address at which the offender expects to reside upon release and shall report such address to the department. The department shall inform the local law enforcement agency where the offender expects to reside. The division shall enter the information concerning the offender's release and notification in the LENS system.

II. Upon receipt from any out-of-state law enforcement agency of information that a sex offender or offender against children has moved to New Hampshire, *the department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency.* The department shall locate and shall serve notice upon such offender of the offender's duty to report under this chapter. *Service by the department is not required if the offender has already registered with the local law enforcement agency in which the offender resides or is located as required by this chapter. At the time of the initial registration, the [The] offender shall acknowledge in writing that the offender has received such notice of the duty to report. [The department shall obtain the address at which the offender expects to reside and shall inform the local law enforcement agency.]* The division shall enter the information concerning the offender's location in New Hampshire and notification in the LENS system.

III. *Semi-annually, the department shall verify the address at which the offender resides by sending a letter by certified non-forwarding mail to the offender. The address verification shall be sent to the offender prior to the offender's birthday and again prior to the offender's 6-month semi-annual registration. The address verification shall remind the offender of the obligation to register in person on a semi-annual basis. The offender shall sign the letter and return it to the department within 10 business days of receipt. If the offender's mailing address is to a post-office box, the department shall deliver by other means as determined by the department a letter to the offender's residence. The offender shall sign and return the letter within 10 business days of receipt.*

7 Registration of Criminal Offenders: Duty to Report. Amend RSA 651-B:4, I to read as follows:

I.(a)(1) Any person required to be registered under this chapter shall report *in person* [~~such person's current mailing address, place of residence or temporary domicile, and place of employment or schooling~~] to the local law enforcement agency within [~~30~~] *5 business days* after the person's release as required under RSA 651-B:3, or within [~~30~~] *5 business days* after the person's date of establishment of residence in New Hampshire if the person is required to register as a result of an offense committed in another jurisdiction. Such report shall also be made *semi-annually* within [~~30~~] *5 business days* after each anniversary of the person's date of birth *and the sixth month following the person's date of birth* and additionally within [~~30~~] *5 business days* after any change of [~~address or place of residence~~] *any information the person is required to report pursuant to this chapter. If an offender has more than one residence, the offender shall report in person to each local law enforcement agency having jurisdiction over each of the offender's residences.*

(2) Such person shall [~~also~~] be required to submit to a photograph taken by the law enforcement agency each time the person is required to report to the law enforcement agency under this section.

(3) *Such person shall also provide the following information at the time of registration: name, age, race, sex, date of birth, height, weight, hair and eye color, address of any permanent residence and address of any current temporary residence, within the state or out of state, mailing address, date and place of any employment or schooling, and vehicle make, model, color, license tag number. A post office box shall not be provided in lieu of a physical residential address. Such person shall also provide any additional information required by department rules adopted in accordance with RSA 651-B:8.*

(b) Any nonresident sexual offender or offender against children who enters this state for the purpose of employment, with or without compensation, or to attend any public or private educational institution for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year shall report *in person* to the local law enforcement agency having jurisdiction over the place of employment or school within [~~10~~] *5 business days* of the nonresident offender entering the state for employment or schooling, and additionally within [~~10~~] *5 business days* after any change of place of employment or schooling. In the event a nonresident offender required to register under this paragraph does not have a principal place of employment, the offender shall register *in person* with the department in Concord. Upon the

nonresident offender's initial registration, the local law enforcement agency or the department shall notify the offender of the offender's duty to report under this chapter. The offender shall report the address of the offender's place of employment or schooling while in the state, the address where the offender resides out of state, and other information required by *RSA 651-B:4, I(a)(3) and department rules adopted in accordance with RSA 651-B:8*. Such report shall also be made *semi-annually within [30] 5 business days after each anniversary of the person's date of birth and the sixth month following the person's date of birth*, and additionally within *[+0] 5 business days after any change [of address or place of employment or schooling] in the information the person is required to report pursuant to this chapter*.

8 Registration of Criminal Offenders; Change of Name or Alias, or Address; Duty to Inform. Amend RSA 651-B:5 to read as follows:

651-B:5 Change of Name or Alias, or Address; Duty to Inform.

[E. When any person required to be registered under RSA 651-B:4, I(a) ~~changes residence, or their name or alias,~~ *changes any information the person is required to report pursuant to this chapter* the person shall give written notification of the ~~[person's new address, name, or alias]~~ *new information* to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within *[+0] 5 business days* of such change of *information* ~~[residence, name, or alias]~~. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence, *employment, or schooling*. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence *employment or schooling*, or the appropriate out-of-state law enforcement agency if the new place of residence, *employment or schooling* is outside New Hampshire[.]. *The division* ~~[and]~~ shall include ~~[such change of address or change of name]~~ *any new information* in the LENS system.

[H. When any nonresident person required to be registered under RSA 651-B:4, I(b) ~~changes residence, place of employment or schooling, or their name or alias,~~ the person shall give written notification of the person's new address, place of employment or schooling, name, or alias to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of residence, place of employment or schooling, name, or alias. Such notice shall not relieve the person of the duty to report under RSA 651-B:4 at the new place of residence. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. The division shall notify the local law enforcement agency at the new place of residence, or the appropriate out-of-state law enforcement agency if the new place of residence is outside New Hampshire, and shall include such change of address or change of name information in the LENS system.

III. Any sexual offender or offender against children who, with or without compensation, is employed by or attends any public or private educational institution for a period exceeding 14 consecutive days, or for an aggregate period of time exceeding 30 days during any calendar year, shall give written notification of any changes to the person's place of employment or schooling to the local law enforcement agency to which he or she last reported under RSA 651-B:4 within 10 days of such change of place of employment or schooling. The local law enforcement agency receiving such notice shall forward a copy to the division within 3 days after receipt. If the sexual offender or offender against children continues to be employed by or attend any public or private educational institution, the division shall notify the local law enforcement agency at the new place of employment or schooling, or the appropriate out-of-state law enforcement agency if the new place of employment or schooling is outside New Hampshire, and shall include such changes in the LENS system.]

9 Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6, II to read as follows:

II. Any sexual offender required to register as a result of a violation or attempted violation of RSA 632-A:4, I(a) or RSA 645:1, II, and any offender against children required to register as a result of a violation or attempted violation of RSA 633:3 or 645:2, I, or of an equivalent offense in an out-of-state jurisdiction, shall be registered for a 10-year period from the date of release, provided that any such registration period shall not run concurrently with any registration period resulting from a subsequent violation or attempted violation of an offense for which the person is required to register provisions of paragraph II, any sexual offender or offender against children who is required to register as a result of *a violation* of more than one offense listed in RSA 651-B:1, III or RSA 651-B:1, V, or who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

10 New Paragraph; Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6 by inserting after paragraph III the following new paragraph:

IV. Registration of any juvenile required to register pursuant to RSA 651-B:1, VII(a)(3) or (4) shall end when the juvenile turns 17 years of age unless the court which adjudicated the juvenile as a delinquent retains jurisdiction over the juvenile pursuant to RSA 169-B:4, V, in which case registration of the juvenile shall end when the court terminates jurisdiction over the juvenile's case. When the registration of a juvenile terminates, the department shall remove information relating to the juvenile from the LENS system and records of the juvenile's registration shall be handled in accordance with RSA 169-B:35 and RSA 169-B:36.

11 Availability of Information to the Public. Amend 651-B:7, II-VI(a) to read as follows:

II.(a) The division shall maintain a separate list of all individuals registered pursuant to this chapter who are required to register as a result of any violation or attempted violation of one of the following offenses, or of any law of another state or the federal government reasonably equivalent to one of the following offenses:

(1) *RSA 632-A:2, I(j)*

(2) *RSA 632-A:2, I(k)*

~~[(+)]~~(3) *RSA 632-A:2, I(l)*.

~~[(2)]~~(4) *RSA 632-A:2, II-III.*

~~[(3)]~~(5) *RSA 632-A:3, II, provided that the age difference between the [convicted] individual required to register and the victim was more than 3 years at the time of the offense.*

~~[(4)]~~(6) *RSA 632-A:3, III.*

~~[(5)]~~(7) *RSA 645:1, II-III.*

~~[(6)]~~(8) *Any offense described in RSA 651-B:1, V.*

(b)(1) The list described in subparagraph (a) shall include:

(A) The name, address, and date of birth of the registered individual.

(B) The offense for which the individual is required to register.

(C) The date and court of the adjudication on the offense for which the individual is registered.

(D) Outstanding arrest warrants, and the information listed in subparagraphs (b)(1)(A)-(C), for any sexual offender or offender against children who has not complied with the obligation to register under this chapter.

(E) A photograph or physical description of the individual, if available.

(2) Where such information is available, the list may also include:

(A) The date and court of the individual's other adjudications, if any.

(B) Information on the profile of the victim or victims of the individual's offense or offenses.

(C) The method of approach utilized by the individual.

(3) In no event shall the list include the identity of any victim. *Sexual offenders convicted under RSA 632-A:2 shall be listed on the public list in a manner which does not disclose, directly or indirectly, that the victim and the defendant were related or members of the same household. For sexual offenders convicted under RSA 632-A:1, I, no specific reference to any statutory subparagraph shall appear on the public list.*

(c) *In no event shall the list made available to the public pursuant to this section include a sexual offender or offender against children who has been adjudicated as a juvenile delinquent.*

III. At periodic intervals, not less frequently than once each month, the commissioner of the department of corrections, ~~and~~ the superintendent of each county department of corrections and the commissioner of the department of health and human services shall forward to the division a statement identifying every offender who is confined in a facility under their control who is required to register as a result of *a violation or attempted violation* of an offense described in subparagraph II(a), and who is eligible at that time for any unsupervised work detail, release into the community following secure psychiatric care, or other assignment which may bring the offender into contact with members of the public. These statements shall include the information set forth in subparagraphs II(b)(1)(A), (B), and (C), and may also include the information set forth in subparagraphs II(b)(2)(A)-(D). In no event shall the statements include the identity of any victim. These statements shall be incorporated by the division into the list maintained under paragraph II.

IV.(a) The division shall provide a copy of the list described in this section to each local law enforcement agency at periodic intervals, through written, electronic, computerized, or other acces-

sible means, but in no event less frequently than once each month. The list shall be made available to interested members of the public upon request to a local law enforcement agency. The department of safety may make the list available to interested members of the public through the use of the department's official public Internet access site. The department shall adopt rules, pursuant to RSA 541-A, establishing procedures for the collection of information described in this section, the transmission of the information from the division to the local law enforcement agencies, and the conditions under which the list shall be made available to the public. These rules shall enable the public to request information about a named individual or about all listed individuals residing or confined in the state. The rules may also include provisions for the imposition of a reasonable fee to defray the administrative costs of collecting the information and making the information available to the public.

(b) Local law enforcement agencies may photograph, at the time of the registration, any individual who is required to be registered pursuant to this chapter. The consent of the registrant shall not be necessary. Such photographs may be used in the performance of any valid law enforcement function.

(c) *In the discretion of the local law enforcement agency, such agency may affirmatively notify the public that an offender who is included on the public list received by the agency pursuant to paragraph IV(a) is residing in the community.*

V. Local law enforcement agencies, employees of local law enforcement agencies, [and] county and state officials, *municipal and school officials, and municipalities and school districts* shall be immune from civil and criminal liability for good faith conduct under this chapter, *including any decision to provide or not provide affirmative notification to the public pursuant to RSA 651-B:7, IV(c).* Nothing in this paragraph shall be deemed to grant any such immunity to any person for that person's reckless or wanton conduct.

VI.(a) Notwithstanding the provisions of this section, any individual required to be registered whose name and information is contained on the list described in subparagraph II(a) and who [has been convicted] *is required to register as a result of any violation or attempted violation of RSA 632-A:2, III or RSA 632-A:3, II, provided that the age difference between the [convicted] individual required to register and the victim was 3 years or less at the time of the offense and the person has no prior [convictions] adjudications requiring registration under RSA 651-B:2, may file with the clerk of the superior court for the county in which the judgment was rendered an application for review of the public registration requirement contained in RSA 651-B:7. This application shall not be filed prior to the completion of all the terms and conditions of the sentence and in no case earlier than 10 years after the date of release [following conviction]. After review of the application, the court may schedule a hearing. Prior to granting any petition to remove an offender from the public list, the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.*

12 Registration of Criminal Offenders; Penalties. Amend RSA 651-B:9 to read as follows
651-B:9 Penalty.

I. A sexual offender or offender against children *who is required to register under this chapter and who negligently fails to comply with the requirements of this chapter shall be guilty of a [violation] misdemeanor.*

II. A sexual offender or offender against children *who is required to register under this chapter and who knowingly fails to comply with the requirements of this chapter shall be guilty of a [misdemeanor] class B felony. An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, shall be required to register for additional 10 years from the date of conviction for violating this paragraph. The obligation to register for an additional 10 years from the date of conviction for violating this paragraph shall be consecutive to the registration period imposed pursuant to RSA 651B:6 and shall be imposed even if the original registration period has elapsed.*

III. A sexual offender or offender against children previously convicted [of a misdemeanor] pursuant to paragraph II who *is required to register under this chapter and who knowingly fails to comply with the requirements of this chapter shall be guilty of a class [B] A felony. An offender who is required to register for a period of 10 years following his or her release, pursuant to RSA 651-B:6, II, who is convicted for violating this paragraph shall be required to register for life.*

IV. The penalties imposed under paragraphs I-III shall not apply to juveniles required to register pursuant to RSA 651-B:1, VII(a)(3) or (4). The court with jurisdiction over such juveniles may impose an appropriate disposition for a violation of this section.

~~[IV-]~~ V. Any person who violates the provisions of RSA 651-B:7 shall be guilty of a violation.

VI. A sexual offender or offender against children who knowingly provides false information in response to any of the requirements of this chapter shall be guilty of a class B felony.

VII. A person is guilty of a class B felony if the person has reason to believe that a sexual offender or offender against children is not complying, or has not complied, with the requirements of this chapter and who purposely assists the offender in eluding any law enforcement agency that is seeking to find the offender to question the offender about, or to arrest the offender for, his or her non-compliance with the requirements of this chapter, and engages in any of the following acts or omissions:

(a) Withholds information from, or does not notify, the law enforcement agency about the offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the offender;

(b) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the offender;

(c) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the offender;

(d) Provides information to the law enforcement agency regarding the offender which the person knows to be false information; or

(e) Warns the offender that the law enforcement agency is attempting to locate the offender.

13 New Sections; Registration of Criminal Offenders; Registration Fee; Application. Amend RSA 651-B by inserting after section 10 the following new sections:

651-B:11 Registration Fee.

I. A sexual offender or offender against children shall pay a fee of ~~[\$25]~~ \$15 at the time of the offender's initial registration and semi-annually at the time of the offender's re-registration. The department shall use all fees collected under this paragraph to defray the cost of maintaining the sex offender registry. Such funds shall be continually appropriated to the department for such use and shall be nonlapsing.

II. Anyone required to pay the registration fee who cannot afford to pay the fee shall, within 10 days of registration, request a waiver of the fee and a hearing on the matter before the commissioner. If such a request is made, the commission shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. At the hearing the offender shall have the burden to prove that the offender cannot afford to pay the fee because the offender is indigent. After hearing, the decision of the commission shall be final, and the offender shall have a right to appeal the decision in the superior court. Under no circumstances shall the offender's request for a hearing or indigency relieve the offender of the obligation to register pursuant to the time-frames required by this chapter.

651-B:12 Application. Whenever possible, the provisions of this chapter shall be interpreted and applied consistent with the provisions of the federal Jacob Wetterling Act, as amended.

14 Capital Offense and Murder in the First Degree. Amend RSA 597:1-c to read as follows:

597:1-c ~~[Capital Offenses and Murder in the First Degree:]~~ *Offenses Punishable By Life Imprisonment.* Any person arrested for an offense punishable by *up to life in prison* ~~[death or murder in the first degree]~~, where the proof is evident or the presumption great, shall not be allowed bail.

15 Sexual Assault and Offenses; Penalties. Amend the introductory paragraph of RSA 632-A:10-a to read as follows:

632-A:10-a Penalties. Notwithstanding RSA 651:2, *and except where an extended term is sought as provided in RSA 651:6:*

16 New Subparagraph; Sexual Assault and Offenses. Amend RSA 632-A:10-a, V by inserting after subparagraph (b) the following new subparagraph:

(c) Prior to granting any petition pursuant to paragraph V(b), the court shall provide notice to the county attorney who prosecuted the case, the victim advocate, and the victim or victim's family and permit those parties to be heard on the petition. If the court denies the offender's petition, the offender may not file another application pursuant to this paragraph for 5 years from the date of the denial and shall include a risk assessment prepared at the offender's expense.

17 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I(j) to read as follows:

(j) Possesses a radio device with the intent to use that device in the commission of robbery, burglary, theft, gambling, stalking, or a violation of any provision of RSA 318-B. In this

section, the term "radio device" means any device capable of receiving a wireless transmission on any frequency allocated for law enforcement use, or any device capable of transmitting and receiving a wireless transmission; [or]

18 New Subparagraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6, I by inserting after subparagraph (k) the following new subparagraphs:

(l) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, I(l) or RSA 632-A:2, II where the defendant was 18 years of age or older at the time of the offense;

(m) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, III, and one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) or RSA 632-A:2, II, or both, and the defendant was 18 years of age or older when the pattern of sexual assault began;

(n) Has purposely, knowingly, or recklessly with extreme indifference to the value of human life committed an act or acts constituting first degree assault as defined in RSA 631:1 against a person under 13 years of age where the serious bodily injury has resulted in brain damage or physical disability to the child that is likely to be permanent; or

(o) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age.

19 Sentences; Extended Term of Imprisonment. Amend RSA 651:6, III to read as follows:

III. If authorized by paragraph I or II, and if notice of the possible application of this section is given the defendant prior to the commencement of trial, a defendant ~~[shall]~~ *may* be sentenced to an extended term of imprisonment. An extended term is, for a person convicted of:

(a) Any felony, other than murder or manslaughter, a minimum to be fixed by the court of not more than 10 years and a maximum to be fixed by the court of not ~~[less]~~ *more* than 30 years;

(b) A misdemeanor, a minimum to be fixed by the court of not more than 2 years and a maximum to be fixed by the court of not more than 5 years;

(c) Manslaughter, a minimum to be fixed by the court of not more than 20 years and a maximum to be fixed by the court of not more than 40 years;

(d) Murder, life imprisonment;

(e) Two or more offenses under RSA 632-A:2, life imprisonment without parole;

(f) A third offense under RSA 632-A:3, life imprisonment; *or*

~~(g) [A class A felony under RSA 632-A:2, I(l) and a subsequent separate offense under RSA 632-A:2, I(l), a minimum to be fixed by the court of not less than 15 years and a maximum of life imprisonment without parole; or~~

~~(h) Any of the crimes listed under RSA 651:6, I(j), a minimum to be fixed by the court of not less than 90 days and a maximum of not more than one year.~~

20 New Paragraphs; Sentences; Extended Term of Imprisonment. Amend RSA 651:6 by inserting after paragraph III the following new paragraphs:

IV. If authorized by subparagraphs I(l), (m), or (n) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows:

(a) A minimum to be fixed by the court of not less than 25 years and a maximum of life imprisonment; and

(b) The sentence shall also include, in addition to any other penalties provided by law, a special sentence of lifetime supervision by the department of corrections. The defendant shall comply with the conditions of lifetime supervision which are imposed by the court or the department of corrections. Violation of any of the conditions of lifetime supervision shall be deemed contempt of court. The special sentence of lifetime supervision shall begin upon the offender's release from incarceration, parole or probation. A defendant who is sentenced to lifetime supervision pursuant to this paragraph is not eligible for release from the lifetime supervision pursuant to RSA 632-A:10-a, V(b).

V. If authorized by subparagraph I(o) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows: a minimum to be fixed by the court of not less than 35 years and a maximum of life imprisonment.

VI. A person shall be sentenced according to the terms of paragraph VII if the court finds, and includes such findings in the record, that such person:

(a)(1) Committed a violation of RSA 632-A:2, I(l), RSA 632-A:2, II, or RSA 632-A:2, III, in which one or more of the acts comprising the pattern of sexual assault was an offense under

RSA 632A:2, I(1) or RSA 632-A:2, II, or both, after having previously been convicted of an offense in violation of one of the aforementioned offenses or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(b)(1) Committed a violation of RSA 631:1 after having previously been convicted of an offense in violation of RSA 631:1, or any other statute prohibiting the same conduct in another state, territory or possession of the United States, if the earlier offense also involved a victim under 13 years of age where the serious bodily injury resulted in brain damage or physical disability to the child that is likely to be permanent; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release; or

(c)(1) Committed a violation of RSA 630:1-b after having previously been convicted of an offense in violation of RSA 630:1-b, or any other statute prohibiting the same conduct in another state, territory, or possession of the United States; and

(2) The person committed the subsequent offense while released on bail on the earlier offense or the sentence for the earlier conviction involved a term of incarceration, probation, parole, or other supervised release.

VII. If the court has made the findings authorized by RSA 651:6, VI, and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment of life without parole.

21 New Chapter; Involuntary Civil Commitment of Sexually Violent Predators. Amend RSA by inserting after chapter 135-D the following new chapter:

INVOLUNTARY CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

135-E:1 Findings and Intent. The general court finds that a small but extremely dangerous number of sexually violent predators exist who do not have a mental disease or defect that renders them appropriate for involuntary treatment under RSA 135-C, which is intended to provide short-term treatment to individuals with serious mental disorders and then return them to the community. In contrast to persons appropriate for civil commitment, sexually violent predators generally have antisocial personality features which are unamenable to existing mental illness treatment modalities, and those features render them likely to engage in criminal, sexually violent behavior. The general court further finds that the likelihood of sexually violent predators engaging in repeat acts of predatory sexual violence is high. The existing involuntary commitment procedures for the treatment and care of mentally ill persons are inadequate to address the risk these sexually violent predators pose to society. The general court further finds that the prognosis for rehabilitating sexually violent predators in a prison setting is poor, the treatment needs of this population are very long term, and the treatment modalities for this population are very different from the traditional treatment modalities for people appropriate for commitment under existing law. It is therefore the intent of the general court to create a civil commitment procedure for the long-term care and treatment of sexually violent predators.

135-E:2 Definitions. In this chapter:

I. "Agency with jurisdiction" means the agency that releases, upon lawful order or authority, a person who is serving a sentence in the custody of the department of corrections, or a person who was involuntarily committed upon a finding that the person was not guilty by reason of insanity or incompetent to stand trial.

II. "Commissioner" means the commissioner of the department of health and human services.

III. "Convicted of a sexually violent offense" means a person who has been:

(a) Adjudicated guilty of a sexually violent offense after a trial, guilty plea, or plea of nolo contendere;

(b) Adjudicated not guilty by reason of insanity of a sexually violent offense; or

(c) Found incompetent to stand trial on a charge of a sexually violent offense and the court makes the finding required pursuant to RSA 135-E:5.

IV. "Court" means the superior court in the county where that person was last convicted of a sexually violent offense, or if the person is in custody on an out-of-state or federal sexually violent offense the county where the person plans to reside upon release or, if no residence in this state is planned, in the county where the facility from which the person to be released is located.

V. "Department" means the department of health and human services.

VI. "Likely to engage in acts of sexual violence" means the person's propensity to commit acts of sexual violence is of such a degree that the person has serious difficulty in controlling his or her behavior as to pose a potentially serious likelihood of danger to others.

VII. "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.

VIII. "Parole board" means the adult parole board established in RSA 651-A:3.

IX. "Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under this chapter.

X. "Sexually motivated" means that one of the purposes for which the defendant committed the crime was for sexual gratification.

XI. "Sexually violent offense" means:

- (a) Capital murder in violation of RSA 630:1, I(e);
- (b) First degree murder in violation of RSA 630:1-a, I(b)(1);
- (c) Aggravated felonious sexual assault in violation of RSA 632-A:2;
- (d) Kidnapping in violation of RSA 633:1, I(d), where the offender confined the victim with the purpose to commit sexual assault against the victim;
- (e) Burglary in violation of RSA 635:1, I, where the offender entered a building or occupied structure with the purpose to commit sexual assault;
- (f) An attempt, criminal solicitation, or conspiracy, to commit any of the offenses listed above; or
- (g) A violation of any other statute prohibiting the same conduct as the offenses listed above in another state, territory, or possession of the United States.

XII. "Sexually violent predator" means any person who:

- (a) Has been convicted of a sexually violent offense;
- (b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment; and
- (c) Is not eligible for involuntary admission under RSA 135-C or RSA 171-B.

XIII. "Total confinement" means that the person is being held in any physically secure facility being operated by or contractually operated for the department of corrections or the department of health and human services. A person shall also be deemed to be in total confinement for applicability of provisions under this chapter if the person is serving an incarcerative sentence under the custody of the department of corrections or is being held in any other secure facility for any reason. A person is not subject to total confinement if the person is subject to an incarcerative sentence or other custody in a secure facility but has contact with the community, such as through work release, a halfway house, or other supervised or unsupervised release into the community.

135-E:3 Notice to County Attorney or Attorney General; Multidisciplinary Teams Established.

I. The commissioner, or designee, shall establish a multidisciplinary team or teams, each of which shall include, but is not limited to, 2 licensed psychiatrists or psychologists or one licensed psychiatrist and one licensed psychologist each of whom has specialized training or experience in the area of treatment and diagnosis of sex offenders. The attorney general shall serve as legal counsel to the multidisciplinary team. The purpose of the team shall be to evaluate whether persons convicted of a sexually violent offense who are eligible for release from total confinement meet the definition of a sexually violent predator.

II. When a person who has committed a sexually violent offense is to be released from total confinement in New Hampshire, the agency with jurisdiction over the person shall give written notice to the county attorney of the county where that person was last convicted of a sexually violent offense, or attorney general if the case was prosecuted by the attorney general. If the person is in custody on an out-of-state or federal sexually violent offense the agency with jurisdiction shall give written notice to the county attorney of the county where the person plans to reside upon release or, if no residence in this state is planned, the county attorney in the county where the facility from which the person to be released is located or to the attorney general if the person has been convicted of murder. Except as provided in RSA 135-E:4, the written notice shall be given:

(a) At least 9 months prior to the anticipated release from total confinement of a person serving a sentence in the custody of the department of corrections, except that in the case of persons who are totally confined for a period of less than 9 months, written notice shall be given as soon as practicable; or

(b) At least 9 months prior to the anticipated hearing regarding possible release of a person committed to the custody of the department who has been found not guilty by reason of insanity for a sexually violent offense.

III. Upon receipt of such notice, if there is an articulable basis to believe that the person is likely to engage in acts of sexual violence, either the county attorney, attorney general, or the agency with jurisdiction may request that the multidisciplinary team assess and evaluate the person to determine whether the person is a sexually violent predator.

IV. If a request to assess and evaluate a person is made pursuant to paragraph III, the agency with jurisdiction shall provide the multidisciplinary team with the following information:

(a) The person's name, identifying characteristics, anticipated future residence, the type of supervision the person will receive in the community, if any, and the person's offense history;

(b) The person's criminal history, including police reports, victim statements, pre-sentence investigation reports, post-sentence investigation reports, if available, and any other documents containing facts of the person's criminal incidents;

(c) Mental health, mental status, and medical records, including all clinical records and notes concerning the person;

(d) Documentation of institutional adjustment and any treatment received; and

(e) If the person was returned to custody after a period of supervision, documentation of adjustment during supervision and any treatment received.

V.(a) The multidisciplinary team shall assess and evaluate each person referred to the team. The assessment and evaluation shall include a review of the person's institutional history and treatment record, if any, the person's criminal background, and any other factor that is relevant to the determination of whether such person is a sexually violent predator.

(b) Before concluding the evaluation, the multidisciplinary team shall offer the person being evaluated a personal interview. If the person agrees to participate in a personal interview, at least one member of the team who is a licensed psychiatrist or psychologist shall conduct the interview. If the person refuses to fully participate in a personal interview, the multidisciplinary team may proceed with its recommendation without a personal interview of the person.

(c) Within 6 months after receiving notice of a person's anticipated release from total confinement, the department of health and human services shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

135-E:4 Release From Total Confinement; Transfers; Petition to Hold in Custody.

I. In the event that a person who has been convicted of a sexually violent offense is eligible for immediate release from total confinement, the agency with jurisdiction shall provide immediate notice to the county attorney or attorney general of the person's release. The county attorney or attorney general or the agency with jurisdiction may file a petition for an emergency hearing in the superior court requesting that the person subject to immediate release be evaluated by the multidisciplinary team to determine whether the person is a sexually violent predator. The hearing shall be held within 24 hours of the filing of the petition, excluding Saturdays, Sundays, and holidays. The person shall not be released from total confinement until after the hearing has been held. At the hearing, the court shall determine whether there is probable cause to believe that the person is a sexually violent predator. If the court finds probable cause, the person shall be held in an appropriate secure facility.

II. Within 72 hours after finding probable cause, the multidisciplinary team shall assess whether the person meets the definition of a sexually violent predator. If the multidisciplinary team determines that the person does not meet the definition of a sexually violent predator, the department shall provide notice to the county attorney or attorney general and that person shall be immediately released. If the multidisciplinary team determines that the person meets the definition of a sexually violent predator, the team shall provide the county attorney or attorney general with its written assessment and recommendation within the 72-hour period or, if the 72-hour period ends on a weekend or holiday, within the next working day thereafter.

III. Within 48 hours after receipt of the written assessment and recommendation from the multidisciplinary team, the county attorney or attorney general may file a petition with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If a petition is not filed within 48 hours after receipt of the written assessment and

recommendation by the county attorney or attorney general, the person shall be immediately released. If a petition is filed pursuant to this section, the person shall be held in an appropriate secure facility for further proceedings in accordance with this chapter.

IV. A person shall be released if the multidisciplinary team or the county attorney or attorney general do not comply with the time limitations in this section. The provisions of this section, however, are not jurisdictional, and failure to comply with the time limitations, which results in the release of a person who has been convicted of a sexually violent offense, is not dispositive of the case and does not prevent the county attorney or attorney general from filing a petition against a person otherwise subject to the provisions of this chapter. However, the court shall not consider any petition filed more than 6 months after the person's release from incarceration unless the timing of the petition is due to newly discovered material facts, which shall be alleged in the petition.

135-E:5 Persons Found Incompetent to Stand Trial.

I. If the county attorney or attorney general seeks to civilly commit a person charged with a sexually violent offense and found incompetent to stand trial, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, for proceedings pursuant to this section.

II. The court shall first hear evidence and determine whether the person did commit the act or acts charged. The hearing on this issue shall comply with all the procedures specified in this section. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged beyond a reasonable doubt. In determining whether the state has met its burden, the court shall consider the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including the person's ability to assist his or her counsel by recounting the facts, identifying witnesses, testifying in his or her own defense, or providing other relevant information or assistance to counsel or the court. If the person's incompetence substantially interferes with the person's ability to assist his or her counsel, the court shall not find the person committed the act or acts charged unless the court can conclude beyond a reasonable doubt that the acts occurred, and that the strength of the state's case, including physical evidence, eye witness testimony, and corroborating evidence, is such that the person's limitations could not have had a substantial impact on the proceedings. If, after the conclusion of the hearing, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, the court shall enter a final order, appealable to the supreme court on that issue. If the person appeals, the person shall be held in an appropriate secure facility. If the person does not appeal or if the appeal is unsuccessful, the court shall proceed as specified in this section.

III. Within 90 days after the court finds that the person committed the act or acts charged or after appeal, the multidisciplinary team shall conduct an evaluation pursuant to the procedures outlined in RSA 135-E:3 to determine whether the person meets the definition of a sexually violent predator and the department shall provide to the county attorney or attorney general a written report of the multidisciplinary team's findings as to whether the person meets the definition of a sexually violent predator.

135-E:6 Petition; Contents. If the multidisciplinary team finds the person meets the definition of a sexually violent predator, the county attorney or attorney general may file a petition within 14 days with the superior court alleging that the person is a sexually violent predator and stating facts sufficient to support such allegation. If the county attorney or attorney general does not file a petition within 14 days, and the person is otherwise subject to release, the person shall be released.

135-E:7 Determination of Probable Cause.

I. When the county attorney or attorney general files a petition seeking to have a person declared a sexually violent predator, within 10 days of the filing of the petition, the court shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If the court determines based on the content of the petition that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and be held in an appropriate secure facility for further proceedings in accordance with this chapter.

II. If the offender's incarcerative sentence expires before a hearing on the merits of a petition for civil commitment pursuant to this chapter, the court shall conduct a probable cause hearing within 2 days of the expiration of the person's incarcerative sentence. If the court concludes following the hearing that there is probable cause to believe that the person is a sexually violent predator, the court shall order that the person remain in custody and held in an appropriate secure facility for further proceedings in accordance with this chapter.

135-E:8 Contract Authority. The department may contract with a private entity or state agency for use of and operation of facilities to comply with the requirements of this chapter.

135-E:9 Trial; Procedure.

I. The person or the county attorney or attorney general has the right to demand that the trial be before a jury. A demand for a jury trial must be filed, in writing, no later than 30 days after the finding of probable cause. If no demand is made, the trial shall be to the court. At all adversarial proceedings under this chapter, the person subject to this chapter is entitled to the assistance of appointed counsel if the person is indigent.

II. Within 60 days after the court's initial determination of probable cause, or, in cases where a jury trial has been elected, 60 days after the election of a jury trial, the court shall conduct a trial to determine whether the person is a sexually violent predator.

III. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the interests of justice, when the person will not be substantially prejudiced by the delay.

IV. The person may retain experts or mental health professionals to perform an examination. If the person wishes to be examined by a professional of the person's own choice, the examiner shall be provided reasonable access to the person, as well as to all relevant medical and mental health records and reports. In the case of a person who is indigent, the court, upon the person's request, shall appoint experts or authorize other services pursuant to RSA 604-A:6. If the defendant retains an expert to perform a mental health examination, the person shall also submit to an examination by an expert of the state's choosing. If the person refuses to submit to an examination by the state's expert the court shall prohibit the person's mental health experts from testifying concerning any mental health tests, evaluations, or examinations of the person.

135-E:10 Rules of Procedure and Evidence. In all civil commitment proceedings for sexually violent predators under this chapter:

I. The doctor-patient privilege under RSA 329:26, RSA 330-A:19, the rules of evidence or other similar statutes or rules shall not apply in proceedings under this chapter.

II. The court may consider evidence of the person's prior conduct if such evidence is relevant to the issue of whether the person is a sexually violent predator.

III. Hearsay evidence, including reports of a member of the multidisciplinary team or reports produced on behalf of the multidisciplinary team, shall be admissible in proceedings under this chapter unless the court finds that such evidence is not reliable. In a trial, however, hearsay evidence shall not be used as the sole basis for committing a person under this chapter.

135-E:11 Determination.

I. The state shall have the burden of proving by clear and convincing evidence that the person is a sexually violent predator. If the determination is made by a jury, the verdict shall be unanimous. If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial. If the court declares a mistrial, the county attorney or attorney general may refile the petition and proceed according to the provisions of this chapter. Any retrial shall occur within 90 days after the previous trial, unless the subsequent proceeding is continued in accordance with RSA 135-E:9, II.

II. If the court or jury determines that the person is a sexually violent predator, upon the expiration of the incarcerative portion of all criminal sentences and disposition of any detainers other than detainers for deportation by the United States Bureau of Citizenship and Immigration Services, the person shall be committed to the custody of the department of health and human services for control, care, and treatment until such time as the person's mental abnormality or personality disorder has so changed that the person no longer poses a potentially serious likelihood of danger to others. At all times, persons who are detained or committed under this chapter shall be kept in a secure facility segregated from patients of the department who are not detained or committed under this chapter. An order committing a person shall be valid for up to 5 years.

III. The determination that a person is a sexually violent predator may be appealed. The public defender shall be appointed to represent the person on appeal if the person is indigent.

135-E:12 Examinations: Release of Committed Persons.

I. Prior to the expiration of the initial commitment order or any recommittal order, the county attorney or attorney general may file a petition to recommit the person.

II. If the state petitions to renew the committal, the court shall hold a hearing. The person is entitled to be present and is entitled to the benefit of all procedural protections afforded the person at the initial trial, except for the right to a jury. The state has the right to have the person exam-

ined by professionals chosen by the state. At the hearing, the state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator. Any recommitment order shall be valid for a period of up to 5 years.

135-E:13 Authorized Petition for Release.

I. If the commissioner, or designee, at any time determines that the person is not likely to commit acts of sexual violence if discharged, the commissioner or the his or her designee shall notify the court and the court shall hold a hearing. The petition shall be served upon the court and the county attorney or attorney general. The court, upon receipt of such notice, shall schedule a hearing within 60 days, unless continued for good cause.

II. The county attorney or attorney general shall represent the state, and has the right to have the person examined by professionals of the county attorney or attorney general's choice. The state bears the burden of proving, by clear and convincing evidence, that the person remains a sexually violent predator.

135-E:14 Petitions for Release. A person may file a petition for discharge at any time after commitment under this chapter without the approval of the commissioner, or his or her designee. Notice of the petition shall be provided to the commissioner and to the county attorney or attorney general. After reviewing the petition filed by the person the court may request the commissioner or county attorney or attorney general to respond to the petition. The commissioner or county attorney or attorney general is not required to respond to a petition filed pursuant to this section unless ordered to do so by the court. If the court determines that appointment of counsel may assist in an appropriate resolution of the petition, and the person is indigent, the court shall appoint counsel to represent the person. If the court determines that the petition is without merit on its face, the court may deny the petition without a hearing.

135-E:15 Release of Records to Agencies.

I. In order to protect the public, relevant information and records that are otherwise confidential or privileged shall be released to the agency with jurisdiction, to a multidisciplinary team, or to the county attorney or attorney general for the purpose of meeting the notice requirements of this chapter and determining whether a person is or continues to be a sexually violent predator. A person, agency, or entity receiving information under this section which is confidential shall maintain the confidentiality of that information. Such information does not lose its confidential status due to its release under this section.

II. Psychological or psychiatric reports, drug and alcohol reports, treatment records, medical records, pre-sentence investigative report, or victim impact statements that have been submitted to the court or admitted into evidence under this chapter shall be part of the record but shall be sealed and may be opened only pursuant to a court order.

135-E:16 Constitutional Requirements. The long-term control, care, and treatment of a person committed under this chapter shall conform to constitutional requirements.

135-E:17 Immunity from Civil Liability. The agency with jurisdiction and its officers and employees; the department and its officers and employees; members of the multidisciplinary team; the county attorney or attorney general and the county attorney or attorney general's employees; and those involved in the evaluation, care, and treatment of sexually violent persons committed under this chapter are immune from any civil liability for good faith conduct under this chapter.

135-E:18 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications to this chapter which can be given effect without the invalid provisions of applications, and to this end the unconstitutional provisions or applications of this chapter are severable.

135-E:19 Applicability. This chapter applies retroactively to all persons in custody as of the effective date of this statute who have been convicted of a sexually violent offense, as well as prospectively.

135-E:20 Notice Requirements.

I. No later than 30 days prior to the release of a sexually violent predator, the department shall give written notice of the person's release to the victim advocate for the county in which the person was prosecuted, and to the extent possible the victim or the victim's family shall be notified.

II. If a sexually violent predator who has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision is released from custody, the department shall immediately notify the department of corrections. The parole board shall also be immediately notified of the release of a sexually violent predator who has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:21 Escape.

I. A person who escapes or attempts to escape from lawful custody pursuant to this chapter is guilty of a class A felony.

II. If a person escapes while in custody pursuant to this chapter, the department shall immediately notify the victim and the county attorney or attorney general that filed the petition for civil commitment. If the escapee has an active or pending term of probation, parole, conditional release, or other court-ordered or postprison release supervision, the department shall also immediately notify the department of corrections. The parole board shall also be immediately notified of an escape if the escapee has an active or pending term of parole, conditional release, or other postprison release supervision that is administered by the parole board.

135-E:22 Rules. The department shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures to be followed by members of the multidisciplinary teams when assessing and evaluating persons subject to this chapter.

II. Education and training requirements for members of the multidisciplinary teams and professionals who assess and evaluate persons under this chapter.

III. The designation of secure facilities for sexually violent predators who are subject to involuntary commitment under this chapter.

IV. The components of the basic treatment plan for all committed persons under this chapter.

V. The protocol for informing a person that he or she is being evaluated to determine whether he or she is a sexually violent predator under this chapter. Such protocol shall include procedures for informing the person of the right to refuse to participate in a personal interview with the multidisciplinary team or members thereof, the right to consult with counsel prior to participating in such an interview, and the right to have counsel appointed if the person is indigent.

135-E:23 Appointment of Counsel. The right of a person sought to be committed as a sexually violent predator to legal counsel prior to and during any judicial hearing conducted under this chapter shall be absolute and unconditional. The right to legal counsel for any person sought to be committed during any judicial proceeding conducted under this chapter shall be waived only if the client or person sought to be committed makes an informed decision to do so. The person sought to be committed shall pay the costs of the legal services in connection with hearings held under this chapter. If the person sought to be committed is unable to pay for counsel, the court shall appoint counsel pursuant to RSA 604-A:2. Such appointment shall be made no later than upon the filing of the petition and shall be made upon request of the person before any interview or personal examination of the person is conducted by the multidisciplinary team or other person in preparation for the filing of a petition.

22 Commitment to Hospitals; Competency Hearing; Commitment for Treatment. Amend RSA 135:17-a, V as follows:

V. If the court has determined that the defendant has not regained competency, and the court determines that he or she is dangerous to himself or herself or others, the court shall order the person to remain in custody for a reasonable period of time, not to exceed 90 days, to be evaluated for the appropriateness of involuntary treatment pursuant to RSA 135-C:34 or RSA 171-B:2. The court may order the person to submit to examinations by a physician, psychiatrist, or psychologist designated by the state for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, the state developmental services delivery system, or the secure psychiatric unit, as the case may be. *If a defendant who was charged with a sexually violent offense, as defined in RSA 135-E:2, XI, has not regained competency, the court shall proceed pursuant to RSA 135-E.*

23 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (j) the following new subparagraph:

(k) Order the minor to register as a sexual offender or offender against children pursuant to RSA 651-B until the juvenile reaches the age of 17 if the court finds that the minor presents a risk to public safety.

24 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, III-a by inserting after subparagraph (e) the following new subparagraph:

(f) If the court retains jurisdiction over the minor pursuant to RSA 169-B:4, V, and the court has determined that the minor is required to register as a sexual offender or offender against children pursuant to RSA 169-B:19, I(k), the minor shall continue to register pursuant to RSA 651-B; provided, that so long as the court retains jurisdiction over the case.

25 New Subparagraph; Delinquent Children; Juvenile Case and Court Records. Amend RSA 169-B:35, III by inserting after subparagraph (c) the following new subparagraph:

(d) Pursuant to RSA 651-B, the department of safety shall disclose registration information to law enforcement agencies for juveniles if the court has found that the juvenile is required to register as a sexual offender or offender against children. In no event shall any juvenile required to register be listed on the list of sexual offenders and offenders against children made available to the public pursuant to RSA 651B:7.

26 Committee to Identify and Evaluate Classification and Risk Assessment Procedures for Convicted Sex Offenders and Offenders Against Children Established.

I. There is established a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

II. The members of the committee shall be as follows:

(a) Four members of the house of representatives, at least 2 of whom shall be from the criminal justice and public safety committee, and one of whom shall be from the judiciary committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate, appointed by the president of the senate.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

(b) Identify classification and risk assessment procedures from other states, including those in the New England region.

(c) Identify the scope, use, and effectiveness of such procedures.

(d) Identify the benefits and liabilities of notifying the public of each level of classification and the best system for such notification.

(e) Identify funding sources for such classification and risk assessment procedures.

(f) Identify implementation procedures for past, present, and future offenders.

(g) Identify methods of evaluation and accountability.

(h) Study any additional information that the committee deems necessary.

V. The committee shall use the information collected to make recommendations to the legislature for the management of sex offenders and offenders against children.

VI. The committee shall solicit information and testimony from any organization or individual as deemed necessary to assist the committee in the performance of its duties, including:

(a) Employees of the department of safety with direct responsibility for maintaining the New Hampshire sex offender registry.

(b) Other department of safety employees as may be necessary.

(c) The department of corrections.

(d) The department of education.

(e) Forensic evaluators.

(f) Sex offender treatment providers.

(g) Victims' advocates.

(h) A licensed New Hampshire attorney primarily engaged in the practice of criminal defense.

(i) The New Hampshire Civil Liberties Union.

(j) The New Hampshire Association of Chiefs of Police.

(k) An advocate for the developmentally disabled.

VII. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

VIII. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

27 Global Positioning Satellite Monitoring; Feasibility Study. The department of corrections shall implement a study to evaluate the feasibility and efficacy of instituting life-time monitoring of serious sexual offenders and offenders against children by means of global positioning satellite

technology or other monitoring or tracking systems and report the results of the study to the general court on or before November 1, 2006. The department of corrections shall implement a system for tracking sexual offenders and offenders against children by global positioning satellite technology by July 1, 2008.

28 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

29 Effective Date.

I. Sections 26, 27, and 29 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill revises the statutes concerning sexual predators, and establishes a committee to identify and evaluate classification and risk assessment procedures for convicted sex offenders and offenders against children.

Rep. Stevens spoke in favor and yielded to questions.

Rep. Knowles spoke against and yielded to questions.

Rep. Welch spoke against.

Rep. Newton spoke in favor.

Rep. Stevens requested a roll call; sufficiently seconded.

YEAS 76 NAYS 264

YEAS 76

BELKNAP

Boyce, Laurie
Wendelboe, Fran

Fitzgerald, James

Rosen, Ralph

Russell, David

CARROLL

Olimpio, J Lisbeth

Stevens, Stanley

CHESHIRE

Pelkey, Stephen

COOS

Remick, William

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Dorsett, Andrew

McLeod, Martha

Naro, Debra

Sorg, Gregory

HILLSBOROUGH

Aboshar, Jeffrey
Boehm, Ralph
Clark, Mark
Francoeur, Bea
Hellwig, Steve
Manney, Pamela
Ober, Lynne

Allan, Nelson
Calawa, Leon Jr
Crane, Elenore Casey
Haley, Robert
Hinkle, Peyton
Mead, Robert
Price, Pamela

Barry, J Gail
Carter, Mark
Dokmo, Cynthia
Hansen, Ryan
Infantine, William
Mooney, Maureen
Renzullo, Andrew

Batula, Peter
Christensen, D L Chris
Elliott, Nancy
Hawkins, Ken
Lawrence, James
O'Brien, William
Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth
Maxfield, Roy

Field, William
Ryan, Jim

Kennedy, Richard
Shurtleff, Stephen

Langlais, Thomas

ROCKINGHAM

Allen, Mary
Camm, Kevin
Gilbert, Karl
Moore, Benjamin
Priestley, Anne

Bettencourt, David
Carson, Sharon
Introne, Robert
Morris, Richard
Weldy, Norman

Bicknell, Elbert
Donahue, Richard Ken
Lund, Howie
O'Neil, Michael
Winchell, George

Buxton, Donald
Garrity, James
Mason, April
Packard, Sherman

STRAFFORD

Callaghan, Frank	Easson, Timothy	Newton, Clifford	Taylor, Kathleen
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SULLIVAN

Franklin, Peter	Irish, Christopher
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NAYS 264**BELKNAP**

Allen, Janet	Clark, Charles	Flanders, Donald	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Thomas, John
Tilton, Franklin	Tobin, William	Veazey, John	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Morrow, Harry	Patten, Betsey	Philbrick, Donald

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Foote, Sheila	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Theberge, Robert		

GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Giuda, Robert
Hammond, Lee	Harding, A Laurie	Ingbertson, Paul	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Ward, John	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Brassard, Paul
Brundige, Robert	Buhlman, David	Campbell, David	Carew, James
Chase, Claudia	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Dyer, Donald	Egbers, Fran	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gonzalez, Carlos	Gorman, Mary
Goyette, Peter Jr	Graham, John	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Jeudy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Matarazzo, Anthony Sr	McRae, Karen
Michon, Stephen	Moran, Edward	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Reeves, Sandra	Rosenwald, Cindy
Rowe, Robert	Ryder, Donald	Schulze, Joan	Shattuck, Gilman
Shaw, Barbara	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Currier, David	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth

Hamm, Christine	Hess, David	Kidder, David	L'Heureux, Stephen
Lockwood, Priscilla	MacKay, James	Marple, Richard	McMahon, Patricia
Oliver, James	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Soltani, Tony	Tilton, Joy
Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Cady, Harriet	Cali-Pitts, Jacqueline	Casey, Kimberley
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Dowd, John	Dowling, Patricia	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth
Griffin, Mary	Headd, James	Hughes, Daniel	Hutchinson, Karen
Ingram, Russell	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	McKinney, Betsy	McMahon, Charles
Moody, Marcia	Nowe, Ronald	Palazzo, Frank	Pantelakos, Laura
Powers, James	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Robertson, Carl	Robinson, John	Rolston, James	Sanders, Elisabeth
Serlin, Christopher	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Wells, Roger
Weyler, Kenneth	Zolla, William		

STRAFFORD

Beube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen	Rodeschin, Beverly	

and the minority committee amendment (1425h) failed.

Rep. Batula offered floor amendment (1487h).

Floor Amendment (1487h)

Amend RSA 651:6, I(l)-(m) as inserted by section 18 of the bill by replacing it with the following:

(l) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, I(l) where the defendant was 18 years of age or older at the time of the offense;

(m) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, III, and one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) and the defendant was 18 years of age or older when the pattern of sexual assault began;

Amend the introductory paragraph to RSA 651:6, IV and RSA 651:6, IV(a) as inserted by section 20 of the bill by replacing them with the following:

IV. If authorized by subparagraphs I(l), (m), or (n) and if notice of the possible application of this section is given to the defendant prior to the commencement of trial, a person shall be sentenced to an extended term of imprisonment as follows:

(a) A minimum to be fixed by the court of not less than 25 years and a maximum of life imprisonment; and

Amend RSA 651:6, VI(a)(1) as inserted by section 20 of the bill by replacing it with the following:

(a)(1) Committed a violation of RSA 632-A:2, I(1), or RSA 632-A:2, III in which one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632A:2, I(1) after having previously been convicted of an offense in violation of one of the aforementioned offenses or any other statute prohibiting the same conduct in another state, territory or possession of the United States, and...

Reps. Batula and Wendelboe spoke in favor.

Reps. Knowles, Dowling and Soltani spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Batula requested a roll call; sufficiently seconded.

YEAS 86 NAYS 254

YEAS 86

BELKNAP

Boyce, Laurie	Fitzgerald, James	Flanders, Donald	Rosen, Ralph
Russell, David	Tilton, Franklin	Wendelboe, Fran	

CARROLL

Ahlgren, Christopher	Chandler, Gene	Stevens, Stanley
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CHESHIRE

Emerson, Susan	Hogancamp, Deborah	Parkhurst, Henry	Pelkey, Stephen
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COOS

Remick, William	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Naro, Debra
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HILLSBOROUGH

Aboshar, Jeffrey	Allan, Nelson	Barry, J Gail	Batula, Peter
Biundo, Michael	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Carter, Mark	Christensen, D L Chris	Clark, Mark	Crane, Elenore Casey
Dokmo, Cynthia	Elliott, Nancy	Graham, John	Haley, Robert
Hansen, Ryan	Hawkins, Ken	Hinkle, Peyton	Infantine, William
Jasper, Shawn	L'Heureux, Robert	Manney, Pamela	Mead, Robert
Mooney, Maureen	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Price, Pamela	Renzullo, Andrew	Stepanek, Stephen	Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth	Langlais, Thomas	Maxfield, Roy	Osborne, Jessie
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Whiting, Herbert

ROCKINGHAM

Bettencourt, David	Bridle, Russell	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Coburn, James	Garrity, James	Griffin, Mary
Hughes, Daniel	Johnson, Robert	Lund, Howie	Mason, April
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Morris, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Stiles, Nancy
Winchell, George			

STRAFFORD

Chaplin, Duncan	Easson, Timothy	Newton, Clifford
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SULLIVAN

ish, Christopher	Rodeschin, Beverly
------------------	--------------------

NAYS 254**BELKNAP**

Allen, Janet
Nedeau, Stephen
Veazey, John

Clark, Charles
Pilliod, James
Whalley, Michael

Millham, Alida
Thomas, John

Morrison, Gail
Tobin, William

CARROLL

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Patten, Betsey

Buco, Thomas
McConkey, Mark
Philbrick, Donald

Dickinson, Howard
Morrow, Harry

CHESHIRE

Allen, Peter
Coates, Christopher
Foote, Sheila
Pratt, John
Sawyer, Sheldon

Butcher, Suzanne
Dunn, J Timothy
Hunt, John
Richardson, Barbara
Tilton, Anna

Butynski, William
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Chase, William
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Morneau, Renney

King, Frederick
Theberge, Robert

Mears, Edgar

Merrick, Scott

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Sorg, Gregory

Andersen, Gene
Gionet, Edmond
Ingbreton, Paul
Nordgren, Sharon
Ward, John

Benn, Bernard
Giuda, Robert
McLeod, Martha
Sokol, Hilda
Williams, Burton

Bleyler, Ruth
Hammond, Lee
Mirski, Paul
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Campbell, David
Cote, Peter
Desmarais, Vivian
Egbers, Fran
Francoeur, Bea
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Rosenwald, Cindy
Shattuck, Gilman
Souza, Kathleen
Vaillancourt, Steve

Balboni, Michael
Bergin, Peter
Carew, James
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Gargas, Carolyn
Gonzalez, Carlos
Harvey, Suzanne
Jean, Claudette
Kurk, Neal
McRae, Karen
Pappas, Christopher
Rowe, Robert
Shaw, Barbara
Sullivan, Francis
Wheeler, James

Baroody, Benjamin
Brassard, Paul
Chase, Claudia
Craig, James
Drisko, Richard
Essex, David
Ginsburg, Ruth
Gorman, Mary
Hellwig, Steve
Judy, Jean
Lasky, Bette
Michon, Stephen
Pilotte, Maurice
Ryder, Donald
Slocum, Lee
Sullivan, Peter
Wheeler, Robert

Beaulieu, Jane
Buhlman, David
Cote, David
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Golding, William
Goyette, Peter Jr
Holden, Randolph
Johnson, Paula
Lawrence, James
Moran, Edward
Reeves, Sandra
Schulze, Joan
Smith, David
Ulery, Jordan

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
Hager, Elizabeth
Kidder, David
Marple, Richard
Potter, Frances
Wallner, Mary Jane

Bouchard, Candace
DeJoie, John
French, Barbara
Hamm, Christine
L'Heureux, Stephen
McMahon, Patricia
Reardon, Tara
Walz, Mary Beth

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Hess, David
Lockwood, Priscilla
Oliver, James
Soltani, Tony
Williams, Robert

Clarke, Claire
Field, William
Greco, Vincent
Kennedy, Richard
MacKay, James
Owen, Derek
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bicknell, Elbert	Bishop, Franklin	Cady, Harriet	Camm, Kevin
Casey, Kimberley	Charron, Gene	Cooney, Richard	DiFruscia, Anthony
Donahue, Richard Ken	Dowd, John	Dowling, Patricia	Dumaine, Dudley
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila
Gilbert, Karl	Gould, Kenneth	Headd, James	Hutchinson, Karen
Ingram, Russell	Introne, Robert	Itse, Daniel	Katsakiores, George
Katsakiores, Phyllis	Major, Norman	Moody, Marcia	Nowe, Ronald
Palazzo, Frank	Pantelakos, Laura	Powers, James	Quandt, Marshall Lee
Quandt, Matthew	Rausch, James	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Serlin, Christopher	Splaine, James
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Welch, David
Weldy, Norman	Wells, Roger	Weyler, Kenneth	Zolla, William

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Campbell, W Packy	Cataldo, Sam
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Grassie, Anne	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr
Osgood, Philip Sr	Phinizy, James	Prichard, Stephen	

and floor amendment (1487h) failed.

MOTION TO SPECIAL ORDER

Rep. O'Neil moved to Special Order **HB 1692**, establishing the New Hampshire sexual predators act, to later on today's calendar.

Reps. Welch and O'Neil spoke in favor.

Reps. Soltani, Guida and Vaillancourt spoke against.

Rep. Jasper spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Rowe moved that **HB 1692**, establishing the New Hampshire sexual predators act, be laid on the table, and the motion failed.

Rep. Campbell moved the previous question.

On a division vote, 287 members having voted in the affirmative and 50 in the negative, the motion was adopted.

The question now being adoption of the motion to Special Order to later on today's calendar.

On a division vote, 121 members having voted in the affirmative and 218 in the negative, the motion failed.

Rep. Hellwig asked if the bill was divisible by taking out section 13.

The Speaker stated the bill was divisible and so ordered.

Rep. Hellwig moved that section 13 be found Inexpedient to Legislate.

Rep. Soltani moved that the bill not be divided.

The Speaker ruled the motion out of order.

Rep. Soltani stated that he did not want to challenge the ruling of the Chair, but did not want to divide the bill.

Rep. Soltani withdrew his motion and urged the House to vote against the motion of Inexpedient to Legislate on section 13.

MOTION TO RECESS

Rep. O'Brien moved that the House recess one hour.

On a division vote, 183 members having voted in the affirmative and 153 in the negative, the motion was adopted.

The House recessed at 1:45 p.m.

RECESS**(Speaker Scamman in the Chair)**

The House reconvened at 2:45 p.m.

REGULAR CALENDAR (CONT'D.)

HB 1692-FN, establishing the New Hampshire sexual predators act.

Rep. Hellwig withdrew his request to divide the bill.

The question now being adoption of the majority committee report.

Rep. O'Neil offered floor amendment (1507h).

Floor Amendment (1507h)

Amend the bill by replacing section 13 with the following:

13 New Section; Registration of Criminal Offenders; Registration Fee; Application. Amend RSA 651-B by inserting after section 10 the following new section:

651-B:11 Application. Whenever possible, the provisions of this chapter shall be interpreted and applied consistent with the provisions of the federal Jacob Wetterling Act, as amended.

Rep. Welch spoke in favor and yielded to questions.

Floor amendment (1507h) was adopted.

The question now being adoption of the majority committee report.

Rep. Vaillancourt spoke against.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 307 NAYS 17**YEAS 307****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Knox, J David	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Coates, Christopher	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Weed, Charles			

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Theberge, Robert	Tholl, John Jr		

GRAFTON

Almy, Susan	Andersen, Gene	Bleyler, Ruth	Cooney, Mary
Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie

Hammond, Lee
Mirski, Paul
Solomon, Peter

Harding, A Laurie
Mulholland, Catherine
Sorg, Gregory

Ingbretson, Paul
Naro, Debra
Williams, Burton

McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail
Bergin, Peter
Brundige, Robert
Carew, James
Christiansen, Lars
Coughlin, Pamela
Desmarais, Vivian
Dyer, Donald
Essex, David
Golding, William
Graham, John
Harvey, Suzanne
Infantine, William
Judy, Jean
Kurk, Neal
Manney, Pamela
Moran, Edward
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Slocum, Lee
Sullivan, Peter

Allan, Nelson
Batula, Peter
Biundo, Michael
Buhlman, David
Carter, Mark
Clark, Mark
Craig, James
DeVries, Betsi
Egbers, Fran
Foster, Linda
Goley, Jeffrey
Haley, Robert
Hawkins, Ken
Irwin, Anne-Marie
Johnson, Paula
L'Heureux, Robert
Matarazzo, Anthony Sr
Movsesian, Lori
Pappas, Christopher
Renzullo, Andrew
Schulze, Joan
Smith, David
Ulery, Jordan

Balboni, Michael
Beaulieu, Jane
Boehm, Ralph
Calawa, Leon Jr
Chase, Claudia
Cote, David
Crane, Elenore Casey
Dokmo, Cynthia
Elliott, Nancy
Gargas, Carolyn
Gorman, Mary
Hall, Betty
Hellwig, Steve
Jasper, Shawn
Kelly, Eugene Jr
Lasky, Bette
Mead, Robert
O'Brien, William
Pilotte, Maurice
Rosenwald, Cindy
Shattuck, Gilman
Souza, Kathleen
Villeneuve, Maurice

Baroody, Benjamin
Bergeron, Jean-Guy
Brassard, Paul
Campbell, David
Christensen, D L Chris
Cote, Peter
Daniuk, Caitlin
Drisko, Richard
Emerton, Larry
Ginsburg, Ruth
Goyette, Peter Jr
Hansen, Ryan
Hinkle, Peyton
Jean, Claudette
Kopka, Angeline
Lawrence, James
Mooney, Maureen
O'Connell, Timothy
Price, Pamela
Rowe, Robert
Shaw, Barbara
Sullivan, Francis
Wheeler, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
Langlais, Thomas
Maxfield, Roy
Owen, Derek
Shurtleff, Stephen
Whiting, Herbert

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Hess, David
Lockwood, Priscilla
McMahon, Patricia
Potter, Frances
Soltani, Tony
Williams, Robert

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Kennedy, Richard
MacKay, James
Oliver, James
Rush, Deanna
Wallner, Mary Jane
Yeaton, Charles

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Kidder, David
Marple, Richard
Osborne, Jessie
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Cali-Pitts, Jacqueline
Charron, Gene
Dowd, John
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Katsakiores, George
Mason, April
Morris, Richard
Palazzo, Frank
Priestley, Anne
Robertson, Carl
Serlin, Christopher
Waterhouse, Kevin
Vells, Roger

Asselin, Michael
Bridle, Russell
Camm, Kevin
Coburn, James
Dowling, Patricia
Flockhart, Eileen
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Pantelakos, Laura
Quandt, Marshall Lee
Robinson, John
Splaine, James
Weare, E Albert
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Carson, Sharon
Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Itse, Daniel
Lund, Howie
McMahon, Charles
O'Neil, Michael
Parker, Benjamin
Quandt, Matthew
Rolston, James
Stiles, Nancy
Welch, David
Winchell, George

Bettencourt, David
Cady, Harriet
Casey, Kimberley
Donahue, Richard Ken
Fesh, Bob
Garrity, James
Hughes, Daniel
Johnson, Robert
Major, Norman
Moody, Marcia
Packard, Sherman
Powers, James
Rausch, James
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman
Zolla, William

STRAFFORD

Berube, Roger
 Callaghan, Frank
 Domingo, Baldwin
 Kaen, Naida
 Newton, Clifford
 Spang, Judith

Brown, Jennifer
 Cataldo, Sam
 Dunlap, Patricia
 Keans, Sandra
 Rollo, Michael
 Taylor, Kathleen

Brown, Julie
 Chaplin, Duncan
 Hofemann, Roland
 Knowles, William
 Rous, Emma
 Wall, Janet

Brown, Lawrence
 Cilley, Jacalyn
 Johnson, Nancy
 Miller, Joseph
 Schmidt, Peter

SULLIVAN

Cloutier, John
 Franklin, Peter
 Osgood, Philip Sr

Converse, Larry
 Gale, Harry
 Prichard, Stephen

Donovan, Thomas
 Irish, Christopher
 Rodeschin, Beverly

Ferland, Brenda
 Jillette, Arthur Jr

NAYS 17**BELKNAP**

Morrison, Gail

CARROLL

Martin, James

CHESHIRE

Mitchell, Bonnie

Tilton, Anna

COOS

None

GRAFTON

Benn, Bernard

Nordgren, Sharon

HILLSBOROUGH

Francoeur, Bea

McRae, Karen

Vaillancourt, Steve

Wheeler, James

MERRIMACK

Field, William

Tilton, Joy

ROCKINGHAM

Gilbert, Karl

STRAFFORD

Easson, Timothy

Smith, Marjorie

SULLIVAN

Houde-Quimby, Charlotte Phiniza, James
 and the majority committee report as amended was adopted.
 Ordered to third reading.

Reps. Dickinson and DiFruscia did not vote and notified the Clerk that they wished to be recorded in favor.

The House recessed at 3:00 p.m.

RECESS**(Speaker Scamman in the Chair)**

The House reconvened at 3:45 p.m.

MOTION TO VACATE

Rep. Dokmo moved that the House vacate the reference of **SB 271**, relative to the availability of voter checklist information, to the committee on Judiciary.

Motion adopted.

The Speaker referred **SB 271** to the committee on Election Law.

(Rep. Sheila Francoeur in the Chair)

SPECIAL ORDER

HB 1236-FN-L, relative to disclosure of public expenditures related to lobbying and electioneering. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William L. O'Brien for the Majority of Election Law: As has so often been observed with regard to governmental affairs, "Sunshine is the best disinfectant." This quaint phrase reminds us that openness in government leads to accountability. HB 1236 will bring such openness to the use of public funds for electioneering and lobbying by a governmental entity. The majority of the committee recognizes that some may support, others may oppose and still others may simply be surprised over the use of public funds for electioneering and lobbying, but no one should oppose allowing the public to know of the existence and the amount of such expenditures. For those who were concerned that compiling such information would be too time consuming or costly, there exists a greater concern that such information is not being compiled and tracked by public entities who are electioneering the public or lobbying governmental officials. If that is so, then the openness mandated by HB 1236 will most certainly bring accountability where it is lacking today. Those in government who say it is not needed are saying in essence the public can not be trusted to know what we can know: how much of their money we are spending to influence them and their elected officials. Vote 9-6.

Rep. James R. Splaine for the Minority of Election Law: This bill is absolutely not needed and there is no problem to remedy. Public expenditures are already public information. It is unnecessary to place further cost and paperwork requirements onto city and town public officials. The additional reporting requirements could also bring up legal and constitutional questions as well as create unworkable reporting guidelines which make no sense.

Rep. O'Brien offered floor amendment (1476h).

Floor Amendment (1476h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Disclosure of Public Funds Expended for Electioneering or Lobbying. Amend RSA 664 by inserting after section 5-c the following new section:

664:5-d Disclosure of Public Funds Expended for Electioneering or Lobbying.

I. A public entity shall disclose any expenditures, payments, or appropriations of public funds to any nonpublic entity where any part of the funds were used for electioneering or lobbying by publishing notice of the expenditure, payment, or appropriation made during the prior fiscal year by November 15 of each year. The notice shall disclose the amount of the expenditure, payment, or appropriation and the percentage of the amount that was used for electioneering or lobbying. The public entity shall post the notice in the relevant community or at the principal office of the state entity.

II. For the purposes of this section, "electioneer" shall mean to act in any way specifically designed to influence the vote of a voter on any question or office, "lobby" shall mean to act in any way specifically designed to influence the vote or decision of an elected or appointed public official on any official matter, and "public entity" shall mean a political subdivision, as defined in RSA 5-B:2, III, or any entity listed in RSA 91-A:1-a, I(c) or (d). For purposes of this section, "nonpublic entity" shall not include employees of the public entity.

2 Effective Date. This act shall take effect November 15, 2007.

Rep. Mead requested a roll call; succinctly seconded.

YEAS 124 NAYS 192**YEAS 124****BELKNAP**

Boyce, Laurie
Nedeau, Stephen

Clark, Charles
Tobin, William

Flanders, Donald
Veazey, John

Morrison, Gail
Whalley, Michael

CARROLL

Ahlgren, Christopher
McConkey, Mark

Babson, David Jr
Merrow, Harry

Chandler, Gene
Olimpio, J Lisbeth

Martin, James

CHESHIRE

Butynski, William
Roberts, Kris

Emerson, Susan
Sawyer, Sheldon

Mitchell, Bonnie

Pelkey, Stephen

COOS

Merrick, Scott

GRAFTON

Andersen, Gene
Ingbreton, Paul

Gionet, Edmond
Mirski, Paul

Giuda, Robert
Sorg, Gregory

Ham, Bonnie

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Christensen, D L Chris
DeVries, Betsi
Gargas, Carolyn
Helliwig, Steve
Kelly, Eugene Jr
Manney, Pamela
O'Brien, William
Renzullo, Andrew
Sullivan, Peter
Wheeler, James

Balboni, Michael
Calawa, Leon Jr
Christiansen, Lars
Drisko, Richard
Golding, William
Hinkle, Peyton
Kurk, Neal
McRae, Karen
Pilotte, Maurice
Rowe, Robert
Ulery, Jordan
Wheeler, Robert

Batula, Peter
Carew, James
Coughlin, Pamela
Dyer, Donald
Hansen, Ryan
Infantine, William
L'Heureux, Robert
Mead, Robert
Price, Pamela
Slocum, Lee
Vaillancourt, Steve

Bergeron, Jean-Guy
Carter, Mark
Crane, Elenore Casey
Elliott, Nancy
Hawkins, Ken
Jasper, Shawn
Lawrence, James
Mooney, Maureen
Reeves, Sandra
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Field, William
Lockwood, Priscilla
Whiting, Herbert

Greco, Vincent
MacKay, James

Hess, David
Soltani, Tony

Langlais, Thomas
Tilton, Joy

ROCKINGHAM

Bettencourt, David
Dumaine, Dudley
Garrity, James
Ingram, Russell
Lund, Howie
Packard, Sherman
Robinson, John
Weyler, Kenneth

Cady, Harriet
Fesh, Bob
Griffin, Mary
Introne, Robert
Mason, April
Quandt, Marshall Lee
Rolston, James
Winchell, George

Camm, Kevin
Flanders, John Sr
Headd, James
Itse, Daniel
McMahon, Charles
Quandt, Matthew
Waterhouse, Kevin

DiFruscia, Anthony
Flockhart, Eileen
Hughes, Daniel
Johnson, Robert
O'Neil, Michael
Rausch, James
Welch, David

STRAFFORD

Campbell, W Packy
Keans, Sandra

Cataldo, Sam
Newton, Clifford

Chaplin, Duncan
Rous, Emma

Cilley, Jacalyn

SULLIVAN

Irish, Christopher

Jillette, Arthur Jr

Rodeschin, Beverly

NAYS 192**BELKNAP**

Allen, Janet
Rosen, Ralph
Wendelboe, Fran

Fitzgerald, James
Russell, David

Millham, Alida
Thomas, John

Pilliod, James
Tilton, Franklin

CARROLL

Brown, Carolyn
Patten, Betsey

Buco, Thomas
Philbrick, Donald

Dickinson, Howard
Stevens, Stanley

Knox, J David

CHESHIRE

Allen, Peter
Dunn, J Timothy
Hogancamp, Deborah
Pratt, John
Weed, Charles

Butcher, Suzanne
Eaton, Daniel
Hunt, John
Richardson, Barbara

Chase, William
Espieffs, Peter
Parkhurst, Henry
Robertson, Timothy

Coates, Christopher
Foote, Sheila
Plika, Stanley Jr
Tilton, Anna

COOS

Buzzell, Bernard
Stohl, Eric

Mears, Edgar
Theberge, Robert

Remick, William
Tholl, John Jr

Richardson, Herbert

GRAFTON

Almy, Susan
Hammond, Lee
Sokol, Hilda

Benn, Bernard
Harding, A Laurie
Solomon, Peter

Bleyler, Ruth
McLeod, Martha
Ward, John

Eaton, Stephanie
Mulholland, Catherine
Williams, Burton

HILLSBOROUGH

Baroody, Benjamin
Brassard, Paul
Cote, David
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Harvey, Suzanne
Jeudy, Jean
Matarazzo, Anthony Sr
Ober, Lynne
Schulze, Joan
Souza, Kathleen

Barry, J Gail
Brundige, Robert
Cote, Peter
Egbers, Fran
Francoeur, Bea
Goyette, Peter Jr
Holden, Randolph
Johnson, Paula
Moran, Edward
Pappas, Christopher
Shattuck, Gilman
Sullivan, Francis

Beaulieu, Jane
Campbell, David
Daniuk, Caitlin
Emerton, Larry
Ginsburg, Ruth
Graham, John
Irwin, Anne-Marie
Kopka, Angeline
Mosesian, Lori
Rosenwald, Cindy
Shaw, Barbara

Bergin, Peter
Chase, Claudia
Desmarais, Vivian
Essex, David
Goley, Jeffrey
Hall, Betty
Jean, Claudette
Lasky, Bette
O'Connell, Timothy
Ryder, Donald
Smith, David

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Hamm, Christine
Maxfield, Roy
Potter, Frances
Shurtleff, Stephen

Blanchard, Elizabeth
Currier, David
French, Barbara
Kennedy, Richard
McMahon, Patricia
Reardon, Tara
Walz, Mary Beth

Bouchard, Candace
DeJoie, John
Gile, Mary
Kidder, David
Oliver, James
Rush, Deanna
Williams, Robert

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
Marple, Richard
Osborne, Jessie
Ryan, Jim
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bicknell, Elbert
Carson, Sharon
Donahue, Richard Ken
Gould, Kenneth
McKinney, Betsy
Palazzo, Frank
Priestley, Anne
Splaine, James
Wells, Roger

Allen, Mary
Bishop, Franklin
Casey, Kimberley
Dowd, John
Katsakiores, George
Moody, Marcia
Pantelakos, Laura
Robertson, Carl
Stiles, Nancy
Zolla, William

Asselin, Michael
Buxton, Donald
Charron, Gene
Dowling, Patricia
Katsakiores, Phyllis
Morris, Richard
Parker, Benjamin
Sanders, Elisabeth
Stone, Joseph

Belanger, Ronald
Cali-Pitts, Jacqueline
Cooney, Richard
Gilbert, Karl
Major, Norman
Nowe, Ronald
Powers, James
Serlin, Christopher
Weare, E Albert

STRAFFORD

Berube, Roger
Brown, Lawrence
Hofemann, Roland
Rollo, Michael
Taylor, Kathleen

Bickford, David
Callaghan, Frank
Johnson, Nancy
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Domingo, Baldwin
Kaen, Naida
Smith, Marjorie

Brown, Julie
Dunlap, Patricia
Miller, Joseph
Spang, Judith

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Gale, Harry	Houde-Quimby, Charlotte	Osgood, Philip Sr
Phinizy, James	Prichard, Stephen		

and floor amendment (1476h) failed.

The question now being adoption of the majority committee report.
 Rep. Robert Wheeler spoke against and yielded to questions.
 Rep. Nancy Johnson spoke against.
 Rep. O'Brien spoke in favor.
 Rep. Splaine requested a roll call; sufficiently seconded.

YEAS 74 NAYS 244**YEAS 74****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Rosen, Ralph
Thomas, John	Tobin, William	Veazey, John	Wendelboe, Fran
Whalley, Michael			

CARROLL

Chandler, Gene

CHESHIRE

Emerson, Susan

COOS

King, Frederick

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbreton, Paul
Mirski, Paul	Sorg, Gregory		

HILLSBOROUGH

Adams, Jarvis IV	Bergeron, Jean-Guy	Boehm, Ralph	Calawa, Leon Jr
Carew, James	Carter, Mark	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Drisko, Richard	Elliott, Nancy	Goyette, Peter Jr
Hawkins, Ken	Infantine, William	Johnson, Paula	Kelly, Eugene Jr
L'Heureux, Robert	Lawrence, James	Mead, Robert	O'Brien, William
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Slocum, Lee
Souza, Kathleen	Ulery, Jordan	Villeneuve, Maurice	Wheeler, James

MERRIMACK

DeJoie, John	Field, William	Kennedy, Richard	Langlais, Thomas
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Buxton, Donald
Cady, Harriet	Camm, Kevin	Carson, Sharon	Dumaine, Dudley
Flanders, John Sr	Hughes, Daniel	Itse, Daniel	Lund, Howie
Major, Norman	McKinney, Betsy	Morris, Richard	O'Neil, Michael
Palazzo, Frank	Scamman, W Douglas		

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Hofemann, Roland	Newton, Clifford
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None

SULLIVAN**NAYS 244****BELKNAP**Fitzgerald, James
Neddeau, StephenFlanders, Donald
Pilliod, JamesMillham, Alida
Russell, DavidMorrison, Gail
Tilton, Franklin**CARROLL**Ahlgren, Christopher
Dickinson, Howard
Morrow, Harry
Stevens, StanleyBabson, David Jr
Knox, J David
Olimpio, J LisbethBrown, Carolyn
Martin, James
Patten, BetseyBucio, Thomas
McConkey, Mark
Philbrick, Donald**CHESHIRE**Allen, Peter
Coates, Christopher
Foote, Sheila
Parkhurst, Henry
Richardson, Barbara
Tilton, AnnaButcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Pelkey, Stephen
Roberts, Kris
Weed, CharlesButynski, William
Eaton, Daniel
Hunt, John
Plifka, Stanley Jr
Robertson, TimothyChase, William
Espiefs, Peter
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon**COOS**Buzzell, Bernard
Richardson, HerbertMears, Edgar
Stohl, EricMerrick, Scott
Theberge, RobertRemick, William
Tholl, John Jr**GRAFTON**Almy, Susan
Ham, Bonnie
Mulholland, Catherine
Ward, JohnAndersen, Gene
Hammond, Lee
Nordgren, Sharon
Williams, BurtonBenn, Bernard
Harding, A Laurie
Sokol, HildaBleyler, Ruth
McLeod, Martha
Solomon, Peter**HILLSBOROUGH**Balboni, Michael
Beaulieu, Jane
Buhlman, David
Cote, David
DeVries, Betsi
Emerton, Larry
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Irwin, Anne-Marie
Kopka, Angeline
Matarazzo, Anthony Sr
Movesian, Lori
Price, Pamela
Shattuck, Gilman
Sullivan, FrancisBaroody, Benjamin
Bergin, Peter
Campbell, David
Cote, Peter
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Graham, John
Hellwig, Steve
Jasper, Shawn
Kurk, Neal
McRae, Karen
O'Connell, Timothy
Rosenwald, Cindy
Shaw, Barbara
Sullivan, PeterBarry, J Gail
Brassard, Paul
Chase, Claudia
Daniuk, Caitlin
Dyer, Donald
Foster, Linda
Golding, William
Hall, Betty
Hinkle, Peyton
Jean, Claudette
Lasky, Bette
Mooney, Maureen
Pappas, Christopher
Ryder, Donald
Smith, David
Vaillancourt, SteveBatula, Peter
Brundige, Robert
Christensen, D L Chris
Desmarais, Vivian
Egbers, Fran
Francoeur, Bea
Goley, Jeffrey
Hansen, Ryan
Holden, Randolph
Judy, Jean
Manney, Pamela
Moran, Edward
Pilotte, Maurice
Schulze, Joan
Stepanek, Stephen
Wheeler, Robert**MERRIMACK**Anderson, Eric
Clarke, Claire
French, BarbaraBlanchard, Elizabeth
Currier, David
Gile, MaryBouchard, Candace
DeStefano, Stephen
Greco, VincentBrueggemann, Donald
Foote, Robert
Hager, Elizabeth

Hamm, Christine
 MacKay, James
 Oliver, James
 Rush, Deanna
 Walner, Mary Jane

Hess, David
 Marple, Richard
 Osborne, Jessie
 Ryan, Jim
 Walz, Mary Beth

Kidder, David
 Maxfield, Roy
 Potter, Frances
 Shurtleff, Stephen
 Williams, Robert

Lockwood, Priscilla
 McMahon, Patricia
 Reardon, Tara
 Tilton, Joy
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
 Bridle, Russell
 DiFruscia, Anthony
 Fesh, Bob
 Gould, Kenneth
 Introne, Robert
 Mason, April
 Packard, Sherman
 Priestley, Anne
 Robertson, Carl
 Serlin, Christopher
 Waterhouse, Kevin
 Winchell, George

Allen, Mary
 Cali-Pitts, Jacqueline
 Donahue, Richard Ken
 Flockhart, Eileen
 Griffin, Mary
 Johnson, Robert
 McMahon, Charles
 Pantelakos, Laura
 Quandt, Marshall Lee
 Robinson, John
 Splaine, James
 Weare, E Albert
 Zolla, William

Asselin, Michael
 Casey, Kimberley
 Dowd, John
 Garrity, James
 Headd, James
 Katsakiores, George
 Moody, Marcia
 Parker, Benjamin
 Quandt, Matthew
 Rolston, James
 Stiles, Nancy
 Welch, David

Belanger, Ronald
 Cooney, Richard
 Dowling, Patricia
 Gilbert, Karl
 Ingram, Russell
 Katsakiores, Phyllis
 Nowe, Ronald
 Powers, James
 Rausch, James
 Sanders, Elisabeth
 Stone, Joseph
 Weyler, Kenneth

STRAFFORD

Berube, Roger
 Brown, Lawrence
 Domingo, Baldwin
 Keans, Sandra
 Schmidt, Peter
 Wall, Janet

Bickford, David
 Callaghan, Frank
 Dunlap, Patricia
 Miller, Joseph
 Smith, Marjorie

Brown, Jennifer
 Chaplin, Duncan
 Johnson, Nancy
 Rollo, Michael
 Spang, Judith

Brown, Julie
 Cilley, Jacalyn
 Kaen, Naida
 Rous, Emma
 Taylor, Kathleen

SULLIVAN

Cloutier, John
 Franklin, Peter
 Osgood, Philip Sr

Converse, Larry
 Gale, Harry
 Phinizy, James

Donovan, Thomas
 Houde-Quimby, Charlotte
 Prichard, Stephen

Ferland, Brenda
 Jillette, Arthur Jr
 Rodeschin, Beverly

and the majority committee report failed.

Rep. Nancy Johnson moved Inexpedient to Legislate.

Adopted.

(Speaker Scamman in the Chair)

HB 642-FN-L, relative to the regulation of home inspectors. **INEXPEDIENT TO LEGISLATE.** Rep. Ken Hawkins for Executive Departments and Administration: This bill would have formed a board under the joint board to license building inspectors. After many hours of subcommittee work, the committee came to the conclusion that there were issues that could not be resolved and that the licensing would confuse consumers on what was being inspected and what was not (i.e. appliances, wiring, plumbing, etc.). Interim study was voted down and inexpedient to legislate was recommended so the sponsors could work on bringing a bill forward next term that would satisfy all parties involved. Vote 11-3. Committee report adopted.

PRESENTATION OF REVENUE ESTIMATES WORKSHEET

Reps. Major and King addressed the Revenue Estimates worksheet and yielded to questions. The Speaker ordered that the Revenue Estimates worksheet be printed in the Permanent Journal.

House Ways & Means Revenue Estimates
General & Education Trust Fund Splits

LBAO
March 22, 2006

	FY 2006			FY 2007		
	Ed Trust	Gen'l Fd	Total	Ed Trust	Gen'l Fd	Total
Business Taxes	20,000	30,000	50,000	10,000	15,000	25,000
Approximate Allocation %	40%	60%	100%	40%	60%	100%
Meals & Rooms		(4,000)	(4,000)		(4,000)	(4,000)
Allocation %	0%	100%	100%	0%	100%	100%
Real Estate Tax	(3,300)	(6,700)	(10,000)	(4,300)	(8,700)	(13,000)
Allocation %	33%	67%	100%	33%	67%	100%
Court Fines		(600)	(600)			
Allocation %	0%	100%	100%			
Horse Racing		300	300		300	300
Dog Racing		(900)	(900)		(900)	(900)
Allocation %	0%	100%	100%	0%	100%	100%
Utility Property Tax	(1,000)		(1,000)	(1,000)		(1,000)
Allocation %	100%	0%	100%	100%	0%	100%
Lottery	2,100		2,100	(100)		(100)
Allocation %	100%	0%	100%	100%	0%	100%
Total	17,800	18,100	35,900	4,600	1,700	6,300
			Gen'l Fund			
			19,800			

**STATE OF NEW HAMPSHIRE
HOUSE WAYS & MEANS COMMITTEE
INTERIM 3/21/06 REVENUE ESTIMATES**

GEN'L & ED TRUST FUNDS: (Dollars in Millions)	(A)	(B)		(C)		(D)		(E)		(F)		(G)
	FY 2005 Actual	Official Estimate		FY 2006 Committee Estimate		Variance		Official Estimate		FY 2007 Committee Estimate		Variance
(1) Business Profits Tax	\$247,395	\$280,200		\$308,700		\$28,500		\$298,600		\$312,800		\$14,200
(2) Business Enterprise Tax	244,710	211,400		232,900		21,500		225,300		236,100		10,800
(3) Subtotal	492,105	491,600		541,600		50,000		523,900		548,900		25,000
(4) Meals & Rooms Tax	193,639	206,300		202,300		(4,000)		217,600		213,600		(4,000)
(5) Liquor Sales	112,555	122,500		122,500		0,000		129,000		129,000		0,000
(6) Interest & Dividends Tax	67,896	70,300		70,300		0,000		73,300		73,300		0,000
(7) Insurance Tax	88,706	92,600		92,600		0,000		95,300		95,300		0,000
(8) Tobacco Tax	101,373	144,500		144,500		0,000		144,500		144,500		0,000
(9) Other	59,612	58,500		58,500		0,000		61,100		61,100		0,000
(10) Communications Tax	70,039	71,300		71,300		0,000		74,100		74,100		0,000
(11) Estate & Legacy Tax	11,659	6,800		6,800		0,000		4,100		4,100		0,000
(12) Real Estate Transfer Tax	159,781	171,600		161,600		(10,000)		181,000		168,000		(13,000)
(13) Court Fines & Fees	25,517	30,400		29,800		(600)		30,400		30,400		0,000
(14) Utility Tax	6,265	6,400		6,400		0,000		6,600		6,600		0,000
(15) Securities Revenue	27,904	30,000		30,000		0,000		31,500		31,500		0,000
(16) Board & Care Revenue	15,583	13,500		13,500		0,000		14,000		14,000		0,000
(17) Beer Tax	12,413	12,500		12,500		0,000		12,600		12,600		0,000
(18) Horse Racing	2,401	2,000		2,300		0,300		2,000		2,300		0,300
(19) Dog Racing	1,112	1,400		0,500		(900)		1,400		0,500		(900)
(20) Tobacco Settlement Funds	42,441	43,000		43,000		0,000		43,000		43,000		0,000
(21) SUBTOTAL	\$1,491,001	\$1,575,200		\$1,610,000		\$34,800		\$1,645,400		\$1,652,800		\$7,400

STATE OF NEW HAMPSHIRE
HOUSE WAYS & MEANS COMMITTEE
INTERIM 3/21/06 REVENUE ESTIMATES

GEN'L & ED TRUST FUNDS: (cont.) (Dollars in Millions)	(A)	(B)		(C)		(D)		(E)		(F)		(G)	
	FY 2005 Actual	Official Estimate	Committee Estimate	Official Estimate	Variance	Official Estimate	Variance	Official Estimate	Variance	Official Estimate	Variance	Official Estimate	Variance
(1) Other Medicaid Enhancement	39,062		0.000	0.000	0.000		0.000	0.000	0.000		0.000	0.000	0.000
(2) Net Medicaid Enhancement Revenue	147,209		73,000	73,000	0.000		0.000	75,800	75,800		75,800	0.000	0.000
(3) Utility Property Tax	20,102		22,800	21,800	(1,000)		(1,000)	24,100	23,100		23,100	(1,000)	(1,000)
(4) Statewide Property Tax	371,302		363,000	363,000	0.000		0.000	363,000	363,000		363,000	0.000	0.000
(5) Lottery Revenue Transfers	70,263		75,000	77,100	2,100		2,100	78,000	77,900		77,900	(0,100)	(0,100)
(6) Medicaid Recovery Regular Care	20,676		15,500	15,500	0.000		0.000	15,100	15,100		15,100	0.000	0.000
(7) Medicaid Recovery Long Term Care	2,313		2,100	2,100	0.000		0.000	1,900	1,900		1,900	0.000	0.000
(8) TOTAL GEN'L & ED TRUST FUNDS	\$2,161,928		\$2,126,600	\$2,162,500	\$35,900		\$35,900	\$2,203,300	\$2,209,600		\$2,209,600	\$6,300	\$6,300

	(A)	(B)		(C)		(D)		(E)		(F)		(G)	
	FY 2005 Actual	Official Estimate	Committee Estimate	Official Estimate	Variance	Official Estimate	Variance	Official Estimate	Variance	Official Estimate	Variance	Official Estimate	Variance
HIGHWAY FUNDS: (Dollars in Millions)													
(9) Road Toll	131.975	132.000	130.500	130.500	(1.500)	134.200	0.000	134.200	0.000	134.200	0.000	134.200	0.000
(10) Motor Vehicle Fees	93.190	87.200	85.200	85.200	(2.000)	93.900	0.000	93.900	0.000	93.900	0.000	93.900	0.000
(11) Miscellaneous	7.418	10.400	10.400	10.400	0.000	10.400	0.000	10.400	0.000	10.400	0.000	10.400	0.000
(12) TOTAL HIGHWAY FUNDS	\$232.583	\$229.600	\$226.100	\$226.100	(\$3.500)	\$238.500	\$0.000	\$238.500	\$0.000	\$238.500	\$0.000	\$238.500	\$0.000

FISH & GAME FUNDS:

(Dollars in Millions)							
(13) Fish & Game Licenses	\$8,230	\$8,300	\$8,300	\$0.000	\$0.000	\$8,300	\$0.000
(14) Miscellaneous	1,300	1,200	1,200	0.000	0.000	1,200	0.000
(15) TOTAL FISH & GAME FUNDS	\$9,530	\$9,500	\$9,500	\$0.000	\$0.000	\$9,500	\$0.000

SPECIAL ORDER CALENDAR - FINANCE BILLS

HB 627-FN, relative to including persons 17 years old in the juvenile justice system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Wheeler for Finance: The committee felt that it was important to keep the policy in place. However the effective date was amended to allow this subject to compete with others for resources in the next budget process. This would also allow time to get a better grip on exactly what dollars will actually be needed both at the state and county levels. Vote 15-4.

Amendment (1039h)

Amend the bill by deleting section 5 and renumbering the original section 6-19 to read as 5-18.

Amend the bill by replacing section 18 with the following:

18 Effective Date. This act shall take effect July 1, 2007.

Amendment adopted.

On a division vote, 206 members having voted in the affirmative and 100 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1189, relative to audits by the legislative budget assistant. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Weyler for Finance: The Performance Audit Oversight Committee is a joint House/Senate committee that directs the performance audit section of the legislative budget assistant (LBA) in their assignments and scoping. These tasks are further reviewed and approved by the Fiscal Committee, another joint House/Senate committee. Performance audits have been a useful tool for the legislature to use when performing its financial oversight role. These audits go beyond mere balance sheets; they are closer to a management analysis. This has led to many changes in our laws and better control of state dollars. Members of the Performance Audit Oversight Committee felt stymied when the auditors informed them that they were not allowed to follow an audit trail that led past a state agency. This bill enables the performance auditors to follow state funds to other entities, within the limits laid down by the aforementioned joint committees. The amendment limits such forward audits to no more than 5 in 5 years. It also makes the effective date the start of the next biennium. Vote 14-6.

Amendment (1061h)

Amend RSA 14:31, III as inserted by section 1 of the bill by replacing it with the following:

III. Both the audit division and the budget division shall conduct such investigations, analyses, or research into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, [or] agency, *political subdivision, or entity authorized to expend state funds* for the information of the legislature, as the fiscal committee shall specifically direct. *The authority of the legislative budget assistant to investigate, analyze, or research non-state agencies shall be limited to 5 entities in a 5-year period.* In making any such investigation, analysis, or research, the legislative budget assistant shall have the power to examine whatever accounts or records of, or property or things of value held by, said department, board, institution, commission, [or] agency, *political subdivision, or entity authorized to expend state funds* the fiscal committee shall deem useful to said investigation, analysis, or research.

Amend RSA 14:31-a, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Conduct post-audits of the accounts and records of any state department, board, institution, commission, [or] agency, *or political subdivision, or other entity authorized to expend state funds. The authority of the legislative budget assistant to conduct post-audits on non-state agencies shall be limited to 5 entities in a 5-year period.* The legislative budget assistant may cooperate with federal officials and agencies in conducting said post-audits.

Amend RSA 124:19 as inserted by section 3 of the bill by replacing it with the following:

124:19 Legislative Budget Assistant to Audit. The legislative budget assistant may enter into agreements or contracts with the federal government or its agencies for the purpose of conducting financial and compliance audits of programs funded in whole or in part by the federal government and carried out by agencies of the state *or entities expending state or federal funds. The authority of the legislative budget assistant to conduct or contract for audits on non-state agencies shall be limited to 5 entities in a 5-year period.* The legislative budget assistant may conduct said au-

mits ~~himself~~ or may contract with another auditor who shall conduct said audit under the direction and authority of the legislative budget assistant. All costs of such audits, direct or indirect, shall be a charge against the separate account maintained by the commissioner of administrative services of the funds set aside for the purpose, and the same are hereby continually appropriated. Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect July 1, 2007.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1241-FN-L, extending the kindergarten construction aid program. **OUGHT TO PASS.**

Rep. Linda T. Foster for Finance: There are twelve school districts in New Hampshire that currently do not offer public kindergarten. This bill extends the current state incentive program for 2 more years. Next year, the Finance Committee may offer a bill to gradually sunset the expanded and enhanced kindergarten construction aid program. Vote 15-4.

On a division vote, 196 members having voted in the affirmative and 112 in the negative, the committee report was adopted.

Ordered to third reading.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits. **OUGHT TO PASS.**

Rep. Peter Franklin for Finance: This bill was requested by the Department of Employment Security (DES) in order to keep the unemployment trust fund stable. The bill has 4 purposes. First, the weekly benefit amount is increased to keep it in line with current average wages in New Hampshire. Second, it raises the taxable wage base from \$8,000 to \$9,000 in order to keep the trust fund balance above \$250 million so that employers will keep the discounted rates they now receive. Third, it allows the DES to access additional administrative funds to make up for federal cuts. All local offices and personnel will be maintained. And, fourth, it brings a steady stream of funding for the business training fund to help workers upgrade their skills. This bill is supported by DES and both union and employer organizations. Vote 17-2.

Committee report adopted and ordered to third reading.

HB 1697-FN, relative to certain state salaries. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Franklin for Finance: This bill, as amended, makes amends for a mistake made in HB 2 last year whereby the three 2% raises granted to certain state employees were not made effective on the first day of the month as had been agreed to, but rather on the first day of the first pay period following the first day of the month. Since the first two pay raises have already become effective, this bill makes up the difference in the third pay raise by moving the effective date from July 7, 2006, to June 16, 2006. The Department of Administrative Services states the appropriation contained in this bill is necessary to cover the increased costs resulting from the date change. Vote 17-0.

Amendment (0852h)

Amend the bill by replacing all after the enacting clause with the following:

1 Councilors and Commissioners. Amend the section heading and amending language of 2005, 177:73 and the introductory paragraph of RSA 94:1-a, II as inserted by 2005, 177:73 to read as follows:

177:73 Salary Wages for Councilors and Commissioners; ~~July 7, 2006~~ **June 16, 2006.** Amend RSA 94:1-a, II ~~as repeated and reenacted~~ to read as follows:

II. The salary wages for the positions set forth below shall be as follows commencing ~~July 7, 2006~~ **June 16, 2006:**

2 Judiciary. Amend the section heading of 2005, 177:76 to read as follows:

177:76 Judicial Salaries; ~~July 7, 2006~~ **June 16, 2006.**

3 Judicial Employees. Amend 2005, 177:79 to read as follows:

177:79 Judicial Employees; ~~July 7, 2006~~ **June 16, 2006.** All judicial employees shall receive 2 percent salary increases on ~~July 7, 2006~~ **June 16, 2006.**

4 Legislative Employees. Amend 2005, 177:82 to read as follows:

177:82 Legislative Employees; ~~July 7, 2006~~ **June 16, 2006.** Legislative employees shall receive 2 percent salary increases effective ~~July 7, 2006~~ **June 16, 2006**, if such increases are approved by the appointing authority.

5 State Officers; Unclassified State Employees. Amend the section heading of 2005, 177:85 to read as follows:

177:85 Compensation of State Officers; Unclassified State Employees; [July 7, 2006] *June 16, 2006*[;].
 6 Department of Justice; Attorneys. Amend the section heading and amending language of 2005, 177:88 and the introductory paragraph of RSA 94:1-a, I(c) as amended by 2005, 177:88 to read as follows:

177:88 Department of Justice; Attorney Salaries; [July 7, 2006] *June 16, 2006. Amend RSA 94:1-a, I(c) [is repeated and reenacted]* to read as follows:

I.(c) For attorney positions in the department of justice, except for the attorney general and deputy attorney general, the following shall apply commencing on [July 7, 2006] *June 16, 2006*:

7 Other Non-Classified or Unclassified Employees. Amend 2005, 177:89 to read as follows:

177:89 Increases in Salary; Other Non-Classified or Unclassified Employees. All other non-classified or unclassified employees not covered by the provisions for salary increases in this act shall be granted a salary increase of 2 percent effective July 8, 2005, an additional salary increase of 2 percent effective January 6, 2006, and an additional salary increase of 2 percent effective [July 7, 2006] *June 16, 2006*.

8 Classified Salaries. Amend the section heading and amending language of 2005, 177:145 and the introductory paragraph of RSA 99:1-a as inserted by 2005, 177:145 to read as follows:

177:145 Classified Salaries; [July 7, 2006] *June 16, 2006. Amend RSA 99:1-a [is repeated and reenacted]* to read as follows:

99:1-a Salaries Established. The salary ranges for all classified employees commencing [July 7, 2006] *June 16, 2006* shall be established as follows:

9 Classified Increases. Amend the section heading and amending language of 2005, 177:148 and RSA 99:3 as inserted by 2005, 177:148 to read as follows:

177:148 Classified Increases; [July 7, 2006] *June 16, 2006. Amend RSA 99:3 [is repeated and reenacted]* to read as follows:

99:3 Increase in Salary. Notwithstanding the provisions of RSA 273-A or any other provision of law to the contrary, classified employees of the state as of [July 7, 2006] *June 16, 2006*, shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their salaries shall be in accordance with the salary scales set forth in RSA 99:1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

10 Effective Date Changed from July 1, 2006 to June 16, 2006. Amend 2005, 177:191, V to read as follows:

V. Sections [67;] 73, 76, 79, 82, 85, 88, 145, and 148 of this act shall take effect [July 7, 2006] *June 16, 2006 and section 67 of this act shall take effect July 7, 2006*.

11 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 1-9 of this act for the fiscal year ending June 30, 2007:

11 Appropriation. The following sums are appropriated from the following sources for the purposes of sections 1-9 of this act for the fiscal year ending June 30, 2007:

All	General	Federal	Highway	Turnpike	Fish and Game	Other
\$682,134	\$334,314	\$117,259	\$90,792	\$11,801	\$9,755	\$118,213

12 Effective Date. This act shall take effect upon its passage

Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Coughlin declared a conflict of interest and did not participate.

HB 1735-FN, relative to awarding the state employees' health insurance plan. **OUGHT TO PASS.** Rep. Robert Wheeler for Finance: This bill was developed by a study committee that reviewed the awarding of health insurance bids for state employees. It repeals the law requiring a self-insured health plan for state employees and allows all the options available to the state to be used by Commissioner Hill and Department of Administrative Services to deal with insurance issues. The bill requires compliance with collective bargaining agreements and creates legislative oversight through an advisory committee to Commissioner Hill. It also allows participation by the university system. Vote 19-0.

Rep. Robert Wheeler yielded to questions.

Committee report adopted and ordered to third reading.

Reps. Coughlin and Thomas declared a conflict of interest and did not participate.

SB 110-FN-A, establishing the New Hampshire Rx plus program for prescription drugs. **REFER FOR INTERIM STUDY.**

Rep. Neal Kurk for Finance: This bill would establish a voluntary program to provide discounts on prescription drugs to people who lack prescription drug insurance and whose incomes are below 300% of the federal poverty level. The fiscal note estimated the cost to the state to start the program to be \$2.2 million in FY07. There was no assurance that sufficient pharmacies or pharmaceutical manufacturers would participate to provide the discounts that would make the program viable. A similar program exists in Maine and Hawaii, but in each of those states it is a supplement to a state-funded pharmacy assistance program. New Hampshire has no such program. In view of all this, the committee determined that the bill requires further study. Vote 17-2. Committee report adopted.

REGULAR CALENDAR (CONT'D.)

HB 1167-FN-A, making an appropriation to the land and community heritage investment program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christopher Pappas for Finance: During the budget process, the Finance Committee was unable to provide adequate funding to LCHIP. Given the projected budget surplus and the House's priorities, the committee felt it appropriate to expend an additional \$2.5 million in fiscal years 2006 and 2007 on LCHIP. The program is an important investment New Hampshire makes in preserving and protecting open space, historic landmarks, and our state's quality of life. LCHIP's general fund appropriation has been precipitously declining since its inception and along with it the number of projects being supported in communities as well as the amount of local and federal dollars being leveraged for conservation and preservation. The committee heard lengthy and powerful testimony in support of the bill and the majority of the committee was confident the bill as amended is affordable and a wise use of state resources. Vote 13-8.

Amendment (1207h)

Amend the bill by replacing section 2 with the following:

2 Appropriation; Land and Community Heritage Investment Program; Fiscal Year Ending June 30, 2007. The sum of \$2,500,000 is hereby appropriated to the land and community heritage investment program for the fiscal year ending June 30, 2007. This appropriation is in addition to any other funds appropriated to the land and community heritage investment program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. On a division vote, 194 members having voted in the affirmative and 116 in the negative, the amendment was adopted.

The question now being adoption of the committee report.

Rep. Newton spoke against.

Rep. Hess spoke in favor and yielded to questions.

Reps. Kennedy and Pappas spoke in favor.

Rep. Weyler spoke against and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Easson requested a roll call; sufficiently seconded.

YEAS 189 NAYS 125

YEAS 189

BELKNAP

Millham, Alida	Morrison, Gail	Nedeau, Stephen	Pilliod, James
Russell, David	Tobin, William		

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Martin, James	Olimpio, J Lisbeth	Philbrick, Donald	

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Hogancamp, Deborah	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy

Tilton, Anna

Weed, Charles

COOSBuzzell, Bernard
Theberge, Robert

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTONAlmy, Susan
Cooney, Mary
Mulholland, Catherine
Solomon, PeterAndersen, Gene
Hammond, Lee
Naro, Debra
Ward, JohnBenn, Bernard
Harding, A Laurie
Nordgren, Sharon
Williams, BurtonBleyler, Ruth
McLeod, Martha
Sokol, Hilda**HILLSBOROUGH**Balboni, Michael
Campbell, David
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Hall, Betty
Kopka, Angeline
Movsesian, Lori
Renzullo, Andrew
Ryder, Donald
Smith, DavidBaroody, Benjamin
Chase, Claudia
Craig, James
Dokmo, Cynthia
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Lasky, Bette
O'Connell, Timothy
Rosenwald, Cindy
Schulze, Joan
Sullivan, FrancisBeaulieu, Jane
Christensen, D L Chris
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Gorman, Mary
Irwin, Anne-Marie
Manney, Pamela
Pappas, Christopher
Ross, Lawrence
Shattuck, Gilman
Sullivan, PeterBergin, Peter
Cote, David
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Graham, John
Jeudy, Jean
Matarazzo, Anthony Sr
Pilotte, Maurice
Rowe, Robert
Shaw, Barbara
Wheeler, Robert**MERRIMACK**Anderson, Eric
Clarke, Claire
Field, William
Greco, Vincent
Kennedy, Richard
Maxfield, Roy
Reardon, Tara
Tilton, Joy
Williams, RobertBlanchard, Elizabeth
Currier, David
Foos, Robert
Hager, Elizabeth
Kidder, David
McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane
Yeaton, CharlesBouchard, Candace
DeJoie, John
French, Barbara
Hamm, Christine
Lockwood, Priscilla
Osborne, Jessie
Ryan, Jim
Walz, Mary BethBrueggemann, Donald
DeStefano, Stephen
Gile, Mary
Hess, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Whiting, Herbert**ROCKINGHAM**Abbott, Dennis
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Gilbert, Karl
Pantelakos, Laura
Sanders, Elisabeth
Wells, RogerAsselin, Michael
Casey, Kimberley
Dowling, Patricia
Gould, Kenneth
Powers, James
Serlin, ChristopherBridle, Russell
Charron, Gene
Flockhart, Eileen
Johnson, Robert
Robertson, Carl
Splaine, JamesBuxton, Donald
Cooney, Richard
Garrity, James
Moody, Marcia
Robinson, John
Welch, David**STRAFFORD**Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Kaen, Naida
Rous, Emma
Taylor, KathleenBickford, David
Callaghan, Frank
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Wall, JanetBrown, Jennifer
Chaplin, Duncan
Hofemann, Roland
Miller, Joseph
Smith, MarjorieBrown, Julie
Cilley, Jacalyn
Johnson, Nancy
Rollo, Michael
Spang, Judith**SULLIVAN**Cloutier, John
Franklin, Peter
Prichard, StephenConverse, Larry
Houde-Quimby, CharlotteDonovan, Thomas
Jillette, Arthur JrFerland, Brenda
Phinizy, James

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Rosen, Ralph	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	McConkey, Mark
Morrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Foote, Sheila	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
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COOS

King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbretson, Paul	Sorg, Gregory		

HILLSBOROUGH

Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christiansen, Lars	Clark, Mark	Crane, Elenore Casey
Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Golding, William
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
Price, Pamela	Reeves, Sandra	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Marple, Richard	Soltani, Tony
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ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Carson, Sharon
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Griffin, Mary	Headd, James
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Weyler, Kenneth	Winchell, George	Zolla, William

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Newton, Clifford
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SULLIVAN

Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
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and the committee report was adopted.

Ordered to third reading.

Rep. Mirski declared a conflict of interest and did not participate.

(Deputy Speaker Weyler in the Chair)

HB 1384, relative to standardizing the format for special education budgets. **REFER FOR INTERIM STUDY.**

Rep. Linda T. Foster for Finance: The committee agrees with the sponsors of HB 1384 that consistent, thorough, and accurate reporting of special education costs is of utmost importance. During the discussion of this bill and its amendments, the committee discovered inconsistencies in how and to whom districts are required to report their expenses and revenues. Interim Study will investigate existing policy and the need to establish any new guidelines and/or promulgate any new accounting forms. These policies and procedures affect district and state budgets and may affect the level of federal reimbursement to our state. They deserve uniform, accurate, and consistent accounting and reporting practices throughout every district in our state. Vote 15-5.

Reps. Mead and Giuda spoke against.

Rep. David Campbell spoke in favor.

Rep. Foster spoke in favor and yielded to questions.

Rep. Mead requested a roll call; sufficiently seconded.

YEAS 189 NAYS 125**YEAS 189****BELKNAP**

Millham, Alida
Russell, David

Morrison, Gail
Tobin, William

Nedeau, Stephen

Pilliod, James

CARROLL

Babson, David Jr
Martin, James

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Philbrick, Donald

Knox, J David

CHESHIRE

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Butynski, William
Eaton, Daniel
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Chase, William
Emerson, Susan
Parkhurst, Henry
Roberts, Kris

Coates, Christopher
Espieles, Peter
Plifka, Stanley Jr
Robertson, Timothy

COOS

Buzzell, Bernard
Theberge, Robert

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Hammond, Lee
Naro, Debra
Ward, John

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon
Williams, Burton

Bleyler, Ruth
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Balboni, Michael
Campbell, David
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Hall, Betty
Kopka, Angeline
Movsesian, Lori
Renzullo, Andrew
Ryder, Donald
Smith, David

Baroody, Benjamin
Chase, Claudia
Craig, James
Dokmo, Cynthia
Essex, David
Goley, Jeffrey
Harvey, Suzanne
Lasky, Bette
O'Connell, Timothy
Rosenwald, Cindy
Schulze, Joan
Sullivan, Francis

Beaulieu, Jane
Christensen, D L Chris
Daniuk, Caitlin
Drisko, Richard
Foster, Linda
Gorman, Mary
Irwin, Anne-Marie
Manney, Pamela
Pappas, Christopher
Ross, Lawrence
Shattuck, Gilman
Sullivan, Peter

Bergin, Peter
Cote, David
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Graham, John
Jeudy, Jean
Matarazzo, Anthony Sr
Pilotte, Maurice
Rowe, Robert
Shaw, Barbara
Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Field, William	Foose, Robert	French, Barbara	Gile, Mary
Greco, Vincent	Hager, Elizabeth	Hamm, Christine	Hess, David
Kennedy, Richard	Kidder, David	Lockwood, Priscilla	MacKay, James
Maxfield, Roy	McMahon, Patricia	Osborne, Jessie	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Bridle, Russell	Buxton, Donald
Cali-Pitts, Jacqueline	Casey, Kimberley	Charron, Gene	Cooney, Richard
DiFruscia, Anthony	Dowling, Patricia	Flockhart, Eileen	Garrity, James
Gilbert, Karl	Gould, Kenneth	Johnson, Robert	Moody, Marcia
Pantelakos, Laura	Powers, James	Robertson, Carl	Robinson, John
Sanders, Elisabeth	Serlin, Christopher	Splaine, James	Welch, David
Wells, Roger			

STRAFFORD

Derube, Roger	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Chaplin, Duncan	Cilley, Jacalyn
Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

NAYS 125**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Rosen, Ralph	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Chandler, Gene	McConkey, Mark
Morrow, Harry	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Foote, Sheila	Hunt, John	Pelkey, Stephen	Sawyer, Sheldon
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COOS

King, Frederick	Richardson, Herbert	Stohl, Eric	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ham, Bonnie
Ingbreton, Paul	Sorg, Gregory		

HILLSBOROUGH

Adams, Jarvis IV	Barry, J Gail	Batula, Peter	Bergeron, Jean-Guy
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Carter, Mark	Christiansen, Lars	Clark, Mark	Crane, Elenore Casey

Dyer, Donald	Elliott, Nancy	Francoeur, Bea	Golding, William
Goyette, Peter Jr	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	McRae, Karen
Mead, Robert	Mooney, Maureen	Moran, Edward	O'Brien, William
Price, Pamela	Reeves, Sandra	Slocum, Lee	Souza, Kathleen
Stepanek, Stephen	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Marple, Richard	Soltani, Tony
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ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Cady, Harriet	Camm, Kevin	Carson, Sharon
Donahue, Richard Ken	Dowd, John	Dumaine, Dudley	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Griffin, Mary	Headd, James
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Stiles, Nancy	Waterhouse, Kevin
Weare, E Albert	Weyler, Kenneth	Winchell, George	Zolla, William

STRAFFORD

Campbell, W Packy	Cataldo, Sam	Easson, Timothy	Newton, Clifford
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SULLIVAN

Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
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and the committee report was adopted.

HB 1626-FN-A, making an appropriation to the office of energy and planning for the fuel assistance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert Wheeler for Finance: The committee amended this bill to reduce the amount appropriated for fuel assistance from \$10,000,000 to \$5,700,000 and apply the \$4,300,000 against the unanticipated energy costs incurred in operations of state buildings. In addition, this bill has reduced, by \$500,000, the back of the budget cut in 2007; funded personnel to assist the effort to cover the increase case load costs of administration; \$1,500,000 to cover implementation of the Enterprise Resource Planning System a new accounting system for the state's new accounting system; and \$300,000 to cover the costs of supplying Medicare and Medicaid necessary information to recover qualified retiree prescription drug claims. The committee felt all of these items were either emergency or unanticipated expenditures. Vote 19-2.

Amendment (1230h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to appropriations for the expenses of certain departments of the state.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Office of Energy and Planning; Fuel Assistance Program. Amend 2005, 298:5, I to read as follows:

1. The sum of [~~\$10,000,000~~] **\$5,700,000** for the fiscal year ending June 30, 2006 is hereby appropriated to the office of energy and planning for the state's fuel assistance program. This appropriation is in addition to any other funds appropriated to the office of energy and planning. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 General Fund Appropriation Reductions; Administrative Services. Amend 2005, 176:10 to read as follows:

176:10 General Fund Appropriation Reductions. The department of administrative services shall reduce state general fund appropriations by \$500,000 for the fiscal year ending June 30, 2006[;

and by \$500,000 for the fiscal year ending June 30, 2007]. The department shall provide a report of reductions made under this section to the fiscal committee of the general court, the house and senate finance committees, and the governor and council.

3 Supplemental Appropriation; Office of Cost Containment.

I. In addition to any other sums appropriated to PAU 01-04-01-04, the sums of \$17,687 for class 50 and \$1,353 for class 60 are hereby appropriated for the fiscal year ending June 30, 2006 to the department of administrative services, office of cost containment. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

II. In addition to any other sums appropriated to PAU 01-04-01-04, the sums of \$27,535 for class 50 and \$2,106 for class 60 are hereby appropriated for the fiscal year ending June 30, 2007 to the department of administrative services, office of cost containment. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Supplemental Appropriation; Sheriff Custody Reimbursement. In addition to any other sums appropriated to PAU 01-04-07, class 93, the sums of \$64,745 for the fiscal year ending June 30, 2005, \$55,000 for the fiscal year ending June 30, 2006, and \$73,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for sheriff custody reimbursement. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Supplemental Appropriation; Medicare Retiree Prescription Drug Subsidy Program. The sums of \$100,000 for the fiscal year ending June 30, 2006 and \$200,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for administrative costs related to the Medicare Retiree Prescription Drug Subsidy Program. These appropriations are in addition to any other funds appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Supplemental Appropriation; Enterprise Resource Planning System. The sum of \$1,500,000 for the fiscal year ending June 30, 2006 is hereby appropriated to the department of administrative services for quality assurance evaluation, monitoring, and reporting related to the implementation of the Enterprise Resource Planning System. This appropriation is in addition to any other funds appropriated to the department of administrative services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Moneys appropriated by this section shall not lapse until June 30, 2008.

7 Supplemental Appropriation; Energy Expense Shortfalls. The sums of \$4,982,757 for the fiscal year ending June 30, 2006 and \$4,982,757 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of administrative services. In each fiscal year, the appropriation shall be a charge against the appropriate funds as follows:

General Federal Highway Turnpike Other

\$2,402,479 \$190,789 \$1,386,011 \$150,000 \$853,478

The governor is authorized to draw a warrant for said sums out of the appropriate funds.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill modifies certain prior appropriations and makes additional appropriations for the expenses of certain departments of the state.

Amendment adopted.

Rep. King offered floor amendment (1511h).

Floor Amendment (1511h)

Amend the bill by deleting section 7 and renumbering the original section 8 to read as 7.

Rep. King spoke in favor.

On a division vote, 194 members having voted in the affirmative and 97 in the negative, floor amendment (1511h) was adopted.

Committee report adopted and ordered to third reading.

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Daniel M. Hughes for Finance: This bill contributes \$.03 per breakfast to schools that participate in the National School Breakfast Program to reimburse schools which serve qualifying meals to pupils. It also appropriates \$10,000 to the Department of Education to establish the technology necessary to implement the technological interface with the Bureau of Nutrition Programs and Services system. This bill demonstrates the state's support for wellness in our schools and requires a minimal investment to provide the long term savings of healthy children who are prepared to learn when the school day begins. Vote 17-4.
Committee report adopted and ordered to third reading.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Weyler for Finance: New developments since the passage of the budget have revealed a problem with the Community Technical College (CTC) budget. Under urging from the legislative Higher Education Study Committee, the CTC has been working on a successful transformation to a new accreditation at the same level as the university system. Also they have been increasing enrollment at their 7 campuses at the annual rate of 8 to 10% for most of the last six years. It was this extraordinary growth that triggered this problem. The CTC has added new courses, new faculty, and new programs for these new students as well as new buildings. Higher operating expenses caused tuition increases in 2005 of 11.2% and 10.8% for 2006. We now have the highest CTC tuition in the country. This high tuition is beginning to show its effects. The enrollment growth has stopped. The 5% that CTC used in computing the 2006-2007 budget has flattened to 1%, with no increase in general fund dollars. This has caused the shortfall this bill intends to cover. If the shortfall is covered with another tuition increase, we fear that revenues will decline even more, and fewer of our students and working adults will be able to afford to attend. While the general fund contribution to the university system saw steady growth to \$5,382 per student in 2005, it declined to \$3,032 per CTC student in the same year. This bill appropriates \$1.2 million for the CTC to forestall a tuition increase in 2007 for the 12,000 students per semester that CTC serves. Vote 21-0.

Amendment (0639h)

Amend the bill by replacing section 1 with the following:

1 Department of Regional Community-Technical Colleges; Appropriation. The sum of \$1,200,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of regional community-technical colleges to enable the regional community-technical college board of trustees to maintain tuition at its present level for the 2006-2007 academic year. Funds may come from any regional community-technical college savings or surplus or the governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Amendment adopted.

The question now being adoption of the committee report.

Rep. King spoke against.

Reps. Thomas and Giuda spoke in favor.

Rep. Marjorie Smith spoke in favor and yielded to questions.

Rep. DeJoie requested a roll call; sufficiently seconded.

YEAS 242 NAYS 55

YEAS 242

BELKNAP

Boyce, Laurie
Pilliod, James

Fitzgerald, James
Thomas, John

Flanders, Donald
Tobin, William

Morrison, Gail
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Philbrick, Donald

Buco, Thomas
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Merrrow, Harry

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Hogancamp, Deborah
Pelkey, Stephen
Sawyer, Sheldon

Butynski, William
Emerson, Susan
Hunt, John
Richardson, Barbara
Tilton, Anna

Coates, Christopher
Espiefs, Peter
Mitchell, Bonnie
Roberts, Kris

Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Robertson, Timothy

COOS

Buzzell, Bernard
Stohl, Eric

Merrick, Scott
Theberge, Robert

Remick, William

Richardson, Herbert

GRAFTON

Almy, Susan
Cooney, Mary
Hammond, Lee
Naro, Debra
Williams, Burton

Andersen, Gene
Gionet, Edmond
Harding, A Laurie
Nordgren, Sharon

Benn, Bernard
Giuda, Robert
McLeod, Martha
Sokol, Hilda

Bleyler, Ruth
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

HILLSBOROUGH

Balboni, Michael
Bergin, Peter
Carew, James
Cote, David
Daniuk, Caitlin
Drisko, Richard
Essex, David
Golding, William
Hall, Betty
Infantine, William
Lasky, Bette
McRae, Karen
Pappas, Christopher
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen
Villeneuve, Maurice

Baroody, Benjamin
Buhlman, David
Chase, Claudia
Coughlin, Pamela
Desmarais, Vivian
Dyer, Donald
Foster, Linda
Goley, Jeffrey
Hansen, Ryan
Irwin, Anne-Marie
Lawrence, James
Moran, Edward
Pilotte, Maurice
Ross, Lawrence
Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

Batula, Peter
Calawa, Leon Jr
Christensen, D L Chris
Craig, James
DeVries, Betsi
Egbers, Fran
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Jeudy, Jean
Manney, Pamela
Movsesian, Lori
Reeves, Sandra
Rowe, Robert
Shaw, Barbara
Sullivan, Peter

Beaulieu, Jane
Campbell, David
Christiansen, Lars
Crane, Elenore Casey
Dokmo, Cynthia
Emerton, Larry
Ginsburg, Ruth
Graham, John
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
O'Connell, Timothy
Renzullo, Andrew
Ryder, Donald
Smith, David
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Currier, David
Foose, Robert
Hamm, Christine
Lockwood, Priscilla
Osborne, Jessie
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Bouchard, Candace
DeJoie, John
French, Barbara
Hess, David
MacKay, James
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kennedy, Richard
Maxfield, Roy
Reardon, Tara
Soltani, Tony
Whiting, Herbert

Clarke, Claire
Field, William
Hager, Elizabeth
Kidder, David
McMahon, Patricia
Rush, Deanna
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Cali-Pitts, Jacqueline
Cooney, Richard
Fesh, Bob
Gilbert, Karl
Ingram, Russell
Katsakiores, Phyllis

Allen, Mary
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Gould, Kenneth
Introne, Robert
Major, Norman

Asselin, Michael
Buxton, Donald
Casey, Kimberley
Dowd, John
Flockhart, Eileen
Griffin, Mary
Johnson, Robert
Mason, April

Belanger, Ronald
Cady, Harriet
Charron, Gene
Dowling, Patricia
Garrity, James
Hughes, Daniel
Katsakiores, George
Moody, Marcia

Morris, Richard
Powers, James
Rausch, James
Sanders, Elisabeth
Waterhouse, Kevin
Zolla, William

Nowe, Ronald
Priestley, Anne
Robertson, Carl
Serlin, Christopher
Weare, E Albert

Pantelakos, Laura
Quandt, Marshall Lee
Robinson, John
Splaine, James
Wells, Roger

Parker, Benjamin
Quandt, Matthew
Rolston, James
Stiles, Nancy
Winchell, George

STRAFFORD

Bickford, David
Cataldo, Sam
Easson, Timothy
Keans, Sandra
Smith, Marjorie

Brown, Julie
Chaplin, Duncan
Hofemann, Roland
Rollo, Michael
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Johnson, Nancy
Rous, Emma
Taylor, Kathleen

Campbell, W Packy
Dunlap, Patricia
Kaen, Naida
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 55

BELKNAP

Allen, Janet
Russell, David

Clark, Charles
Tilton, Franklin

Nedeau, Stephen
Whalley, Michael

Rosen, Ralph

CARROLL

Babson, David Jr

Chandler, Gene

Patten, Betsey

CHESHIRE

None

COOS

King, Frederick

Tholl, John Jr

GRAFTON

Eaton, Stephanie
Ward, John

Ingbretson, Paul

Mirski, Paul

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Carter, Mark
Hawkins, Ken
Kurk, Neal
O'Brien, William
Ulery, Jordan

Barry, J Gail
Clark, Mark
Hellwig, Steve
L'Heureux, Robert
Price, Pamela
Wheeler, James

Bergeron, Jean-Guy
Elliott, Nancy
Hinkle, Peyton
Mead, Robert
Slocum, Lee

Brundige, Robert
Francoeur, Bea
Jasper, Shawn
Mooney, Maureen
Stepanek, Stephen

MERRIMACK

Marple, Richard

ROCKINGHAM

Bicknell, Elbert
Headd, James
O'Neil, Michael
Weyler, Kenneth

Bishop, Franklin
Itse, Daniel
Packard, Sherman

Camm, Kevin
Lund, Howie
Palazzo, Frank

Francoeur, Sheila
McKinney, Betsy
Welch, David

STRAFFORD

None

SULLIVAN

Osgood, Philip Sr
and the committee report was adopted.
Ordered to third reading.

Rodeschin, Beverly

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Finance: This bill establishes a state mosquito control program and a dedicated fund to deal with public health threats posed by cyclical mosquito-borne illnesses, such as West Nile virus and Eastern Equine Encephalitis, largely by spraying for adult mosquitoes when a threat to public health is declared. Affected municipalities that have approved mosquito control plans are eligible for a 25% state cost share. The bill appropriates \$158,625 to pay for this, plus \$60,000 to continue a mosquito surveillance program which was previously federally funded. Vote 21-0.

Amendment (1194h)

Amend RSA 141-C:24 as inserted by section 1 of the bill by replacing it with the following:
141-C:24 Mosquito Control Fund.

I. There is hereby established a nonlapsing and continually appropriated mosquito control fund to assist cities and towns by providing funding for the purpose of offsetting the cost of mosquito control activities including, but not limited to, the purchase and application of chemical pesticides. The purpose of the fund is to provide financial assistance, when needed, to cities and towns engaging in mosquito control and abatement activities in response to a declared threat to the public health. Any balance remaining in the mosquito control fund at the close of the fiscal year ending June 30, 2009 shall lapse to the general fund.

II. In order to be eligible to receive funding, a city or town shall have in place a comprehensive mosquito control plan approved by the commissioner. This plan shall include at a minimum:

(a) A list of the pesticides (active ingredient) and methods by which these pesticides will be applied to ensure that the application is done in a safe and proper manner.

(b) Safeguards that will be taken to protect the health of the public, wildlife, and resources within the state including provisions for the measuring and monitoring of residual pesticides in the water and soil.

(c) A comprehensive public awareness campaign geared toward prevention and designed to educate the public about the health risks associated with mosquitoes.

(d) Appropriate abatement measures.

III.(a) The commissioner, in consultation with the Centers for Disease Control and Prevention, and with the concurrence of the governor, may determine that a threat to the public health exists that warrants expedited mosquito control and abatement activities within a city or town. Such determination shall be based on local factors which may include:

(1) Historical and current climatic conditions.

(2) Historical and current mosquito population indices.

(3) Historical and current mosquito, veterinary, and human arboviral disease surveillance.

(b) An expedited approval process shall be established for the implementation of mosquito control and abatement activities, including the application of pesticides. The commissioner of the department of agriculture, markets, and food may authorize expedited mosquito control and abatement activities pursuant to this paragraph.

IV. A city or town shall be eligible to receive funds if the commissioner determines that:

(a) The city or town has a comprehensive mosquito control plan approved by the commissioner in accordance with paragraph II;

(b) The city or town has engaged or plans to engage in mosquito control and abatement activities pursuant to paragraph III;

(c) The commissioner, after consultation with the Centers for Disease Control and Prevention, has determined that mosquito control and abatement activities are appropriate to mitigate the public health threat; and

(d) A threat to public health has been determined in accordance with paragraph III.

V. A city or town's receipt of funds, as well as the amount of funding, shall be at the discretion of the commissioner. In exercising his or her discretion, the commissioner shall consider the following criteria:

(a) The nature and degree of the declared threat to the public health.

(b) The nature and degree of the city or town's mosquito control and abatement activities in response to the declared threat to the public health.

(c) The city or town shall show cause why funding assistance from the mosquito control fund is necessary.

(d) Funding from the mosquito control fund shall not exceed 25 percent of the cost of mosquito adulticide activities pursuant to the declared threat to the public health.

(e) Funding is available.

Amend the bill by replacing section 3 with the following:

3 Appropriation. There is hereby appropriated the sum of \$218,625 to the department of health and human services for the biennium ending June 30, 2007, for the purposes of this act. Of this amount, \$158,625 shall be used for the purpose of funding the mosquito control fund established by section 1 of this act and \$60,000 shall be used by the department for purposes of funding mosquito surveillance activities. This appropriation shall be reduced by the amount of any federal funds received by the department for these purposes. This appropriation shall be in addition to any other funds appropriated to the department of health and human services for these purposes. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill establishes a mosquito control fund in the department of health and human services to assist cities and towns by providing funding to offset mosquito control activities. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill. The bill also makes an appropriation to the department for the purposes of funding the mosquito control fund and mosquito surveillance.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1608-FN-A, making an appropriation to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage. **OUGHT TO PASS WITH AMENDMENT.** Rep. Mary Jane Wallner for Finance: This bill appropriates \$2,563,575 in general funds for health and human services providers to cover the increased cost of utilities, heating, and mileage. These are the providers who deliver meals and home health services to our homebound elderly, provide services to our mentally ill and developmentally disabled citizens, provide child care services for the children of low income working families, and provide shelter and residential services to our homeless citizens and children in the care of the state. These non-profit service providers run on very tight budgets and recent increases in fuel, utilities, and heating costs were not anticipated when the state put its budget together and the rates appropriated in the budget for these service providers are inadequate to cover the additional energy costs. This bill will assist these providers in covering the increased costs. Vote 21-0.

Amendment (1214h)

Amend the title of the bill by replacing it with the following:

AN ACT making appropriations to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$2,413,575 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing a one-time one percent increase in rates paid to certain providers in fiscal year 2006 to offset the increased cost of utilities, heating, and mileage. The commissioner of the department of health and human services shall provide the increase to the providers upon the effective date of this act. The sums appropriated in this section represent the state general fund share of such costs, and the department shall obtain matching funds from federal and other non-state sources where appropriate to ensure that the full cost of the one percent increase is sufficiently funded. The appropriation contained in this section shall be distributed as follows:

Office of Medicaid and Business Policy

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-02-01-04	Medical Transportation	\$6,050

Division of Public Health Services

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-05-01-01	Governor's Commission	\$23,000
05-01-05-01-01	Smart Moves Program	\$1,000
05-01-05-03-01	Community Programs	\$17,940

05-01-05-03-03	Contracts	\$1,004
05-01-05-03-04	Technical Assistance	\$1,200
05-01-05-03-04	Primary Care	\$1,500
05-01-05-03-06	State STD Clinical Services	\$3,697
05-01-05-03-07	Comprehensive Health	\$21,000
05-01-05-03-07	Domestic Violence	\$921
05-01-05-03-07	Maternal & Child Services	\$11,585
05-01-05-03-18	Grants	\$2,222

Division for Children, Youth, and Families

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-06-07-01	Residential Providers	\$151,118
05-01-06-07-01	Foster Care, Adoption, & Foster Homes	\$92,462
05-01-06-08-02	Child Care	\$257,134

Bureau of Elderly and Adult Services

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-08-03-01	Home Delivered Meals & Transportation	\$21,062
05-01-08-03-02	Social Services Block Grant	\$23,265
05-01-08-03-05	Congregate Housing Contracts	\$6,980
05-01-08-03-06	Adult Residential Day Care	\$2,578
05-01-08-04-01	Nursing Services	\$466,439
05-01-08-04-01	Home Nursing Services	\$73,758
05-01-08-04-01	Other Nursing Homes	\$10,061
05-01-08-04-01	Mid Level Care	\$10,009

Bureau of Behavioral Health

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-09-04-01	Community Mental Health Centers	\$412,078
05-01-09-04-08	Emergency Shelters	\$30,772

Bureau of Developmental Services

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-10-01	Developmental Services	\$764,740

This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Rate Increase; Federal Funds. The department of health and human services shall provide a one-time one percent increase in rates paid to certain health and human services providers in fiscal year 2006 who do not receive the increase contained in section 1 of this act, but only to the extent the increase can be funded entirely from federal funds.

3 Additional Appropriation. The sum of \$150,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007 for the purpose of providing additional funds to certain health and human services providers to offset the increased cost of utilities, heating, and mileage. The amounts appropriated in this section shall be distributed at the discretion of the commissioner, and may be distributed to providers who also receive the rate increase provided for in section 1 of this act. The commissioner shall seek to distribute these funds in a manner which will provide the highest level of relief to providers determined by the commissioner to be most affected by the increased cost of utilities, heating, and mileage. In determining the distribution of the funds, the commissioner shall be guided by the provider's percentage of increased energy costs as compared to the provider's total budget. The commissioner shall report to the fiscal committee of the general court within 30 days of the effective date of this act on the distribution of such funds. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill makes appropriations to the department of health and human services for the purposes of reimbursing certain health and human services providers for the increased cost of utilities, heating, and mileage.

Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1710 -FN-A, relative to appropriations to the department of health and human services for health care providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth Hager for Finance: This \$3,377,697 bill contains changes needed in the Department of Health and Human Services budget. It appropriates money for a rate increase for home health care, for a problem mental health centers are experiencing and for an hourly pay increase for direct care providers. It also clarifies legislative intent in two important areas of the budget: it directs DHHS to contract with the National Alliance of Mental Illness using money for family support services already in the budget and it directs the department to comply with rate setting laws and rules. Vote 21-0.

Amendment (1236h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriations.

I. The sum of \$457,802 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2007, for the purpose of funding the fiscal year 2007 cost of rate increases for home care providers and services implemented during fiscal year 2006. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$719,895 is hereby appropriated to the department of health and human services for the fiscal year ending June 30, 2007, for the purpose of providing a 4.6 percent rate increase for home care providers and services in fiscal year 2007. This rate increase shall be in addition to the rate increases for home care providers and services implemented during fiscal year 2006. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Appropriation. The sum of \$200,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007 for community mental health centers that did not meet their fiscal year Medicaid billing projections and have an operating deficit. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 National Alliance on Mental Illness. Notwithstanding any provision of law to the contrary, the department of health and human services shall pay \$210,000 for the fiscal year ending June 30, 2007 from the amounts appropriated pursuant to 2005, 176 PAU 05-01-09-04-01, class 98 to the National Alliance on Mental Illness for family mutual support services.

4 Provider Rates. Notwithstanding any provision of law to the contrary, amounts appropriated in 2005, 176 PAU 05-01-06-07-01, class 93 shall not be transferred or expended for any other purpose until the intent of the general court as stated in this section is followed. It is the intent of the general court that the department of health and human services shall in all instances comply with all applicable provisions of law and administrative rules relative to the rates paid to the providers funded from said class, and that the commissioner set rates paid to these providers consistent with the operating budget appropriations allotted to them including any rate increases provided for in the operating budget, and shall set rates paid to these providers that reflect legislative decisions to provide specific rate increases as footnoted in the operating budget.

5 Appropriation. There is hereby appropriated the sum of \$2,000,000, for the biennium ending June 30, 2007, to the department of health and human services for the purpose of increasing the hourly pay of direct care providers for persons with developmental and acquired disabilities. For the purposes of this section, direct care providers shall include, but not be limited to, individuals who are employed by, have a contract with, or receive any form of remuneration from a provider agency to provide such services. This state appropriation shall be reduced by the amount of matching federal funds received by the department. Any funds provided from the state to provider agencies pursuant to this section which are not expended pursuant to the purposes of this section, shall be returned by such agencies to the commissioner, and shall lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services for the purposes of funding rate increases for home care providers and community mental health centers. This bill also requires the department of health and human services to pay a certain amount to the National Alliance on Mental Illness for family mutual support services.

This bill also makes an appropriation to the department of health and human services for the purposes of increasing the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities. The appropriation made for direct care providers is to be reduced by the amount of federal matching funds received.

Amendment adopted.

Rep. O'Neil offered floor amendment (1493h).

Floor Amendment (1493h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 Supplemental Pharmacy Assistance; Effective Date Extended. 2006, 2:4, I is repealed and reenacted to read as follows:

1. Section 3 of this act shall take effect June 30, 2006.

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services for the purposes of funding rate increases for home care providers and community mental health centers. This bill also requires the department of health and human services to pay a certain amount to the National Alliance on Mental Illness for family mutual support services.

This bill makes an appropriation to the department of health and human services for the purposes of increasing the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities. The appropriation made for direct care providers is to be reduced by the amount of federal matching funds received.

This bill also extends the authority for state supplemental pharmacy assistance for persons eligible under Medicare Part D, as established in 2006, 2 (SB 393-FN-A).

Floor amendment (1493h) adopted.

Rep. Crane offered floor amendment (1512h).

Floor Amendment (1512h)

Amend the bill by deleting section 3 and renumbering the original sections 4-7 to read as 3-6, respectively.

AMENDED ANALYSIS

This bill makes appropriations to the department of health and human services for the purposes of funding rate increases for home care providers and community mental health centers.

This bill also makes an appropriation to the department of health and human services for the purposes of increasing the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities. The appropriation made for direct care providers is to be reduced by the amount of federal matching funds received.

This bill also extends the authority for state supplemental pharmacy assistance for persons eligible under Medicare Part D, as established in 2006, 2 (SB 393-FN-A).

Rep. Crane spoke in favor.

Rep. Giuda spoke against.

Reps. Hager and Bleyler spoke against and yielded to questions.

Rep. Souza spoke in favor and yielded to questions.

Rep. Phinizy moved the previous question.

Adopted.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 147 NAYS 142**YEAS 147****BELKNAP**

Allen, Janet
Nedeau, Stephen
Whalley, Michael

Boyce, Laurie
Pilliod, James

Clark, Charles
Tilton, Franklin

Fitzgerald, James
Tobin, William

CARROLL

Ahlgren, Christopher
Martin, James
Stevens, Stanley

Chandler, Gene
McConkey, Mark

Dickinson, Howard
Merrow, Harry

Knox, J David
Olimpio, J Lisbeth

CHESHIRE

Emerson, Susan

Hogancamp, Deborah

Pelkey, Stephen

Sawyer, Sheldon

COOS

Buzzell, Bernard
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Gionet, Edmond
Mirski, Paul
Williams, Burton

Giuda, Robert
Naro, Debra

Ham, Bonnie
Sorg, Gregory

Ingbretson, Paul
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Brundige, Robert
Carter, Mark
Coughlin, Pamela
Elliott, Nancy
Hawkins, Ken
Jasper, Shawn
Manney, Pamela
Moran, Edward
Reeves, Sandra
Ryder, Donald
Sullivan, Peter
Wheeler, James

Balboni, Michael
Buhlman, David
Christensen, D L Chris
Crane, Elenore Casey
Francoeur, Bea
Hellwig, Steve
Kurk, Neal
McRae, Karen
O'Brien, William
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

Bergeron, Jean-Guy
Calawa, Leon Jr
Christiansen, Lars
Drisko, Richard
Golding, William
Hinkle, Peyton
L'Heureux, Robert
Mead, Robert
O'Connell, Timothy
Ross, Lawrence
Souza, Kathleen
Vaillancourt, Steve

Bergin, Peter
Carew, James
Clark, Mark
Dyer, Donald
Hansen, Ryan
Holden, Randolph
Lawrence, James
Mooney, Maureen
Price, Pamela
Rowe, Robert
Stepanek, Stephen
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Maxfield, Roy

Field, William
Soltani, Tony

Kennedy, Richard
Whiting, Herbert

Marple, Richard

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Camm, Kevin
DiFruscia, Anthony
Garrity, James
Ingram, Russell
Katsakiores, George
Mason, April
Parker, Benjamin
Rolston, James
Weare, E Albert
Zolla, William

Asselin, Michael
Bishop, Franklin
Carson, Sharon
Dowd, John
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Morris, Richard
Quandt, Marshall Lee
Sanders, Elisabeth
Welch, David

Belanger, Ronald
Buxton, Donald
Charron, Gene
Fesh, Bob
Headd, James
Itse, Daniel
Lund, Howie
Nowe, Ronald
Quandt, Matthew
Splaine, James
Wells, Roger

Bettencourt, David
Cady, Harriet
Cooney, Richard
Flanders, John Sr
Hughes, Daniel
Johnson, Robert
Major, Norman
Packard, Sherman
Rausch, James
Stiles, Nancy
Weyler, Kenneth

STRAFFORD

Bickford, David	Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Easson, Timothy		

SULLIVAN

Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 142**BELKNAP**

Flanders, Donald	Morrison, Gail	Rosen, Ralph	Russell, David
Thomas, John	Wendelboe, Fran		

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Butcher, Suzanne	Butynski, William	Coates, Christopher	Dunn, J Timothy
Eaton, Daniel	Espiefs, Peter	Foote, Sheila	Hunt, John
Parkhurst, Henry	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna			

COOS

King, Frederick	Merrick, Scott	Theberge, Robert
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GRAFTON

Almy, Susan	Andersen, Gene	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Batula, Peter	Beaulieu, Jane
Campbell, David	Chase, Claudia	Cote, David	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Emerton, Larry	Essex, David	Foster, Linda	Gargasz, Carolyn
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hall, Betty	Harvey, Suzanne	Infantine, William	Irwin, Anne-Marie
Jeudy, Jean	Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Smith, David

MERRIMACK

Bouchard, Candace	Bueggemann, Donald	Clarke, Claire	Currier, David
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Hess, David
Kidder, David	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Cali-Pitts, Jacqueline	Casey, Kimberley	Dowling, Patricia
Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth	McKinney, Betsy
Moody, Marcia	O'Neil, Michael	Palazzo, Frank	Pantelakos, Laura
Powers, James	Priestley, Anne	Robertson, Carl	Robinson, John
Serlin, Christopher	Winchell, George		

STRAFFORD

Brown, Julie
Johnson, Nancy
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Keans, Sandra
Smith, Marjorie

Domingo, Baldwin
Rollo, Michael
Spang, Judith

Hofemann, Roland
Rous, Emma
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizz, James

Ferland, Brenda
Prichard, Stephen

and floor amendment (1512h) was adopted.

Committee report adopted and ordered to third reading.

HB 1726-FN, requiring the state to pay legal fees for certain Supreme Court justices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick W. King for Finance: RSA 99-D:2 indemnifies state officers and employees from any costs arising from claims and suits. This legislation will pay such costs to the Supreme Court justices resulting from the claims that they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature. Vote 15-4.

Amendment (0863h)

Amend the bill by replacing all after the enacting clause with the following:

1 Payment of Legal Fees of Certain Supreme Court Justices.

I. The judicial branch shall pay the following amounts to the following persons as full and final payment for legal fees incurred by such persons in the capacity as supreme court justices as a result of claims they were subjected to, and prevailed as to, involved in impeachment proceedings initiated by the legislature:

(a) Retired Chief Justice David A. Brock	\$474,000
(b) Retired Associate Justice Sherman D. Horton, Jr.	\$37,000
(c) Chief Justice John T. Broderick, Jr.	\$90,000

II. Prior to payment of the sums under paragraph I, retired justices Brock and Horton and chief justice Broderick shall submit to the department of administrative services, signed release statements from themselves that the payments made under paragraph I are full and final payments for legal fees incurred for the impeachment proceedings.

2 Funding of Payment. The judicial branch shall make the payments pursuant to section I from the judicial branch operating budget on the effective date of this act. The sum of \$601,000 required for the payments shall be a charge against sums appropriated to the judicial branch for the biennium ending June 30, 2007.

3 Effective Date. This act shall take effect upon its passage.

LAID ON THE TABLE

Rep. Buzzell moved that **HB 1726-FN**, requiring the state to pay legal fees for certain Supreme Court justices, be laid on the table.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 231 NAYS 52**YEAS 231****BELKNAP**

Allen, Janet
Morrison, Gail
Thomas, John
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin

Clark, Charles
Rosen, Ralph
Tobin, William

Flanders, Donald
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Olimpio, J Lisbeth

Brown, Carolyn
Knox, J David
Patten, Betsey

Buco, Thomas
McConkey, Mark
Philbrick, Donald

Chandler, Gene
Morrow, Harry
Stevens, Stanley

CHESHIRE

Coates, Christopher
Hogancamp, Deborah
Richardson, Barbara
Tilton, Anna

Dunn, J Timothy
Hunt, John
Roberts, Kris

Emerson, Susan
Parkhurst, Henry
Robertson, Timothy

Foote, Sheila
Pelkey, Stephen
Sawyer, Sheldon

COOS

Buzzell, Bernard
Stohl, Eric

Merrick, Scott
Theberge, Robert

Remick, William
Tholl, John Jr

Richardson, Herbert

GRAFTON

Almy, Susan
Ham, Bonnie
McLeod, Martha
Sorg, Gregory

Andersen, Gene
Hammond, Lee
Mirski, Paul
Williams, Burton

Gionet, Edmond
Harding, A Laurie
Mulholland, Catherine

Giuda, Robert
Ingbretson, Paul
Solomon, Peter

HILLSBOROUGH

Balboni, Michael
Beaulieu, Jane
Buhlman, David
Carter, Mark
Clark, Mark
Crane, Elenore Casey
Dyer, Donald
Francoeur, Bea
Goley, Jeffrey
Hawkins, Ken
Infantine, William
Kopka, Angeline
Lawrence, James
Mead, Robert
O'Connell, Timothy
Renzullo, Andrew
Schulze, Joan
Stepanek, Stephen
Villeneuve, Maurice

Baroody, Benjamin
Bergeron, Jean-Guy
Calawa, Leon Jr
Chase, Claudia
Cote, David
Desmarais, Vivian
Elliott, Nancy
Gargas, Carolyn
Graham, John
Hellwig, Steve
Irwin, Anne-Marie
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Pilotte, Maurice
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter
Wheeler, James

Barry, J Gail
Bergin, Peter
Campbell, David
Christensen, D L Chris
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
Matarazzo, Anthony Sr
Moran, Edward
Price, Pamela
Rowe, Robert
Slocum, Lee
Ulery, Jordan

Batula, Peter
Brundige, Robert
Carew, James
Christiansen, Lars
Craig, James
Drisko, Richard
Essex, David
Golding, William
Harvey, Suzanne
Holden, Randolph
Jeudy, Jean
Lasky, Bette
McRae, Karen
Movsesian, Lori
Reeves, Sandra
Ryder, Donald
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Clarke, Claire
Field, William
Kidder, David
Maxfield, Roy
Shurtleff, Stephen
Whiting, Herbert

Currier, David
Foose, Robert
Lockwood, Priscilla
McMahon, Patricia
Soltani, Tony

DeJoie, John
Gile, Mary
MacKay, James
Rush, Deanna
Tilton, Joy

DeStefano, Stephen
Hess, David
Marple, Richard
Ryan, Jim
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Cady, Harriet
Charron, Gene
Fesh, Bob
Garrity, James
Katsakiores, George
Mason, April
Nowe, Ronald
Powers, James
Robertson, Carl
Serlin, Christopher
Welch, David
Zolla, William

Allen, Mary
Bicknell, Elbert
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Flanders, John Sr
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Priestley, Anne
Robinson, John
Splaine, James
Wells, Roger

Asselin, Michael
Bridle, Russell
Camm, Kevin
Dowd, John
Flockhart, Eileen
Introne, Robert
Lund, Howie
Moody, Marcia
Packard, Sherman
Quandt, Matthew
Rolston, James
Stiles, Nancy
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Carson, Sharon
Dowling, Patricia
Francoeur, Sheila
Itse, Daniel
Major, Norman
Morris, Richard
Palazzo, Frank
Rausch, James
Sanders, Elisabeth
Weare, E Albert
Winchell, George

STRAFFORD

Bickford, David	Brown, Lawrence	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Domingo, Baldwin	Dunlap, Patricia	Easson, Timothy
Hofemann, Roland	Johnson, Nancy	Rous, Emma	Schmidt, Peter
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr	Phinizy, James
Prichard, Stephen	Rodeschin, Beverly		

NAYS 52**BELKNAP**

Fitzgerald, James	Pilliod, James
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CARROLL

Babson, David Jr	Martin, James
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CHESHIRE

Butcher, Suzanne	Butynski, William	Eaton, Daniel	Espiefs, Peter
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COOS

King, Frederick

GRAFTON

Benn, Bernard	Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Ward, John

HILLSBOROUGH

Adams, Jarvis IV	Daniuk, Caitlin	Dokmo, Cynthia	Foster, Linda
Gorman, Mary	Hall, Betty	O'Brien, William	Pappas, Christopher
Shattuck, Gilman	Smith, David	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	French, Barbara
Hager, Elizabeth	Hamm, Christine	Kennedy, Richard	Osborne, Jessie
Potter, Frances	Reardon, Tara	Wallner, Mary Jane	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Casey, Kimberley	Gould, Kenneth	Ingram, Russell	Johnson, Robert
Pantelakos, Laura			

STRAFFORD

Brown, Julie	Keans, Sandra	Rollo, Michael	Smith, Marjorie
Spang, Judith			

SULLIVAN

Franklin, Peter

and the motion was adopted.

Reps. Hughes and Marshall Lee Quandt declared a conflict of interest and did not participate.

REGULAR CALENDAR (CONT'D.)

HB 1591-FN-A, requiring tobacco tax revenue attributable to tobacco sales to minors and tobacco consumption by minors to be deposited in the tobacco use prevention fund for youth tobacco use prevention programs and purposes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Elizabeth S. Hager for the Majority of Finance: The committee received very compelling testimony from Dover Youth to Youth who brought in this idea to lower youth tobacco use. The

majority of the committee does not believe, however, that this type of diversion of our tobacco tax revenue should be done at this time. The bill would have diverted \$1.7 million. Vote 13-8.

Rep. Terie Norelli for the Minority of Finance: As introduced, this bill would have appropriated \$1.7 million to youth tobacco prevention programs based on a formula that estimated the state revenue received from cigarette taxes on sales to youth under age 18. Most smokers begin smoking before age 18 and tobacco prevention and control programs are effective in decreasing smoking and in keeping youth from starting to smoke in the first place. Investing in these programs is good public health policy and also makes good economic sense. Yet New Hampshire does not spend one cent of state revenue on tobacco prevention, despite receiving nearly \$130 million from the tobacco settlement and cigarette taxes. The minority of the committee agreed that the funding mechanism in the original bill is unworkable and offers an amendment that appropriates \$1 million directly from general funds.

Majority committee report adopted.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Wheeler for Finance: This bill authorizes the acquisition of real estate destroyed in the October 2005 floods; appropriated funds to accomplish the purchase, set a guideline to accomplish the task and established a commission to determine the appropriate use of the property. The amendment clarified the process and made the effective date upon passage to get assistance to the victims as rapidly as possible. Vote 20-0.

Amendment (1378h)

Amend the bill by replacing sections 1 and 2 with the following:

I Acquisition of Real Estate Damaged or Destroyed in October 2005 Floods. Pursuant to RSA 4:29, the governor, with the advice and consent of the council, shall purchase, on behalf of the state, the property located in Alstead, Langdon, and Walpole that was severely damaged or destroyed in the October 2005 floods. Such property shall be purchased at its pre-flood assessed value less the total amount of financial aid that the current property owner received from any other source, such as insurance payments or state or federal disaster assistance. Nothing in this section shall require a property owner to sell his or her property. The property owner also may elect to retain a life estate in any portion of the property.

2 Appropriation; Bonds.

I. The sum not to exceed \$3,400,000, for the biennium ending June 30, 2007, is hereby appropriated to the office of the governor for the purpose of purchasing property pursuant to section 1 of this act.

II. To provide funds for the appropriation made in paragraph I, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,400,000, and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payment of principal and interest of the bonds and notes shall be made from the general funds of the state.

Amend subparagraph I(c) of section 3 of the bill by replacing it with the following:

(c) One member of the board of selectmen from each of the following towns, appointed by that town's board: Alstead, Langdon, and Walpole.

Amend section 4 of the bill by replacing it with the following:

4 Effective Date. This act shall take effect upon its passage.

Reps. Robert Wheeler and Daniel Eaton yielded to questions.

Amendment adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 1548, relative to termination of tenancy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David E. Cote for the Majority of Judiciary: This bill would unnecessarily disturb 20 years of settled legislative policy in landlord – tenant law, and would upset the delicate bal-

ance struck by this legislature in crafting current law which requires good cause to remove a tenant. The committee believes that current law has adequately and appropriately struck this balance, and sees no reason to alter it. The public policy goal of maintaining a stable housing market far outweighs the sponsor's concerns. Vote 13-7.

Rep. Gregory M. Sorg for the Minority of Judiciary: This minority believes that there can hardly be better cause for ending a tenancy than the fact that the lease has expired and the tenant therefore no longer has a right to occupy the premises. Although mindful of the public policy consideration of promoting stability in housing, we believe that a landlord's economic self-interest serves that objective without the need for governmental intervention to force a tenant on him unwillingly. Landlords, too, like predictability in the occupancy of their rental units, and have little if any motive arbitrarily to evict good tenants. The majority position amounts to granting to a tenant a perpetual right of occupancy of land belonging to another, something unique in contract law and harmful in its public policy implication.

Rep. Sorg spoke against.

Rep. Dokmo spoke in favor.

Rep. Rowe spoke in favor and yielded to questions.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Pantelakos requested a roll call; sufficiently seconded.

YEAS 166 NAYS 102

YEAS 166

BELKNAP

Flanders, Donald

Pilliod, James

Russell, David

CARROLL

Ahlgren, Christopher
Knox, J David

Brown, Carolyn
Merrow, Harry

Buco, Thomas
Olimpio, J Lisbeth

Dickinson, Howard
Philbrick, Donald

CHESHIRE

Butcher, Suzanne
Eaton, Daniel
Richardson, Barbara

Butynski, William
Emerson, Susan
Roberts, Kris

Coates, Christopher
Espiefs, Peter
Robertson, Timothy

Dunn, J Timothy
Parkhurst, Henry
Tilton, Anna

COOS

Buzzell, Bernard

King, Frederick

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
Ham, Bonnie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Hammond, Lee
Naro, Debra

Bleyler, Ruth
Harding, A Laurie
Nordgren, Sharon

Cooney, Mary
McLeod, Martha
Sokol, Hilda

HILLSBOROUGH

Batula, Peter
Chase, Claudia
Desmarais, Vivian
Essex, David
Ginsburg, Ruth
Graham, John
Holden, Randolph
Kurk, Neal
Mooney, Maureen
Pilotte, Maurice
Schulze, Joan
Sullivan, Peter

Bergin, Peter
Cote, David
DeVries, Betsi
Foster, Linda
Golding, William
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Shattuck, Gilman
Villeneuve, Maurice

Buhlman, David
Craig, James
Dokmo, Cynthia
Francoeur, Bea
Goley, Jeffrey
Hansen, Ryan
Jeudy, Jean
Manney, Pamela
O'Connell, Timothy
Ross, Lawrence
Shaw, Barbara
Wheeler, Robert

Calawa, Leon Jr
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Harvey, Suzanne
Kopka, Angeline
McRae, Karen
Pappas, Christopher
Ryder, Donald
Smith, David

MERRIMACK

Anderson, Eric
Currier, David
Gile, Mary
McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane

Blanchard, Elizabeth
DeJoie, John
Hager, Elizabeth
Osborne, Jessie
Ryan, Jim
Walz, Mary Beth

Bouchard, Candace
Foose, Robert
Lockwood, Priscilla
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Brueggemann, Donald
French, Barbara
MacKay, James
Reardon, Tara
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Dowling, Patricia
Gould, Kenneth
Katsakiores, George
Moody, Marcia
Powers, James
Serlin, Christopher
Welch, David

Belanger, Ronald
Casey, Kimberley
Flanders, John Sr
Griffin, Mary
Katsakiores, Phyllis
Morris, Richard
Priestley, Anne
Splaine, James
Zolla, William

Bishop, Franklin
Charron, Gene
Flockhart, Eileen
Ingram, Russell
Major, Norman
Palazzo, Frank
Robinson, John
Stiles, Nancy

Buxton, Donald
DiFruscia, Anthony
Garrity, James
Johnson, Robert
Mason, April
Pantelakos, Laura
Sanders, Elisabeth
Weare, E Albert

STRAFFORD

Brown, Julie
Dunlap, Patricia
Schmidt, Peter

Brown, Lawrence
Keans, Sandra
Smith, Marjorie

Chaplin, Duncan
Rollo, Michael
Taylor, Kathleen

Domingo, Baldwin
Rous, Emma
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizey, James

NAYS 102**BELKNAP**

Allen, Janet
Thomas, John
Whalley, Michael

Clark, Charles
Tilton, Franklin

Fitzgerald, James
Tobin, William

Rosen, Ralph
Wendelboe, Fran

CARROLL

Babson, David Jr
Patten, Betsey

Chandler, Gene

Martin, James

McConkey, Mark

CHESHIRE

Foote, Sheila
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

Pelkey, Stephen

COOS

Remick, William

Stohl, Eric

Tholl, John Jr

GRAFTON

Andersen, Gene
Mirski, Paul

Gionet, Edmond
Williams, Burton

Giuda, Robert

Ingbreton, Paul

HILLSBOROUGH

Adams, Jarvis IV
Brundige, Robert
Christiansen, Lars
Dyer, Donald
Hellwig, Steve
L'Heureux, Robert

Balboni, Michael
Campbell, David
Clark, Mark
Elliott, Nancy
Hinkle, Peyton
Lawrence, James

Beaulieu, Jane
Carew, James
Coughlin, Pamela
Emerton, Larry
Infantine, William
Matarazzo, Anthony Sr

Bergeron, Jean-Guy
Christensen, D L Chris
Crane, Elenore Casey
Hawkins, Ken
Jasper, Shawn
Mead, Robert

Moran, Edward
Renzullo, Andrew
Stepanek, Stephen

O'Brien, William
Rowe, Robert
Ulery, Jordan

Price, Pamela
Slocum, Lee
Vaillancourt, Steve

Reeves, Sandra
Souza, Kathleen
Wheeler, James

MERRIMACK

Field, William
Marple, Richard

Hess, David
Soltani, Tony

Kennedy, Richard

Kidder, David

ROCKINGHAM

Allen, Mary
Bridle, Russell
Dowd, John
Introne, Robert
Nowe, Ronald
Quandt, Matthew
Weyler, Kenneth

Asselin, Michael
Cady, Harriet
Fesh, Bob
Itse, Daniel
O'Neil, Michael
Rausch, James
Winchell, George

Bettencourt, David
Camm, Kevin
Francoeur, Sheila
Lund, Howie
Packard, Sherman
Robertson, Carl

Bicknell, Elbert
Carson, Sharon
Hughes, Daniel
McKinney, Betsy
Quandt, Marshall Lee
Rolston, James

STRAFFORD

Bickford, David
Spang, Judith

Campbell, W Packy

Cataldo, Sam

Hofemann, Roland

SULLIVAN

Osgood, Philip Sr

and the majority committee report was adopted.

Reps. Barooddy and DeStefano declared a conflict of interest and did not participate.

SPECIAL ORDER

HB 1138, relative to required pay for employees called into work. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Randolph N. S. Holden for the Majority of Labor, Industrial and Rehabilitative Services: Under current law when an employee reports to work at an employer's request he or she shall be paid not less than two hours pay at his or her regular rate of pay. This bill changes the number of hours an employee must be paid to three. With the increased costs of travel to and from work the majority of the committee felt it was reasonable that the employee be paid a minimum of three hours when called in to work. Vote 8-7.

Rep. William J. Infantine for the Minority of Labor, Industrial and Rehabilitative Services: The minority of the committee believes that the current law requiring two hours pay is sufficient. The minority also believes the state should not continue mandating agreements between employers and employees. The minority further believes the employer will pass this increase on to their clients and customers.

Majority Amendment (1219h)

Amend the bill by replacing section 1 with the following:

1 Required Pay; Increased to 3 Hours. Amend RSA 275:43-a to read as follows:

275:43-a Required Pay. On any day an employee reports to work at an employer's request, he or she shall be paid not less than 3 hours' pay at his or her regular rate of pay; provided, however, that this section shall not apply to employers of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him or her has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

AMENDED ANALYSIS

This bill requires an employer to pay 3 hours' wages to an employee called in to work. An employer who makes a good faith effort to notify an employee not to report to work shall not be liable to pay wages.

CLERK'S NOTE

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

The question now being adoption of the majority committee amendment.

On a division vote, 160 members having voted in the affirmative and 104 in the negative, the majority committee amendment failed lacking the necessary two-thirds.

MOTION TO LAY ON THE TABLE

Rep. Holden moved that **HB 1138**, relative to required pay for employees called into work, be laid on the table, and the motion failed.

The question now being adoption of the motion of Ought to Pass.

Rep. Goley offered floor amendment (1244h).

Floor Amendment (1244h)

Amend the bill by replacing section 1 with the following:

1 Required Pay; Increased to 3 Hours. Amend RSA 275:43-a to read as follows:

275:43-a Required Pay.

I. On any day an employee reports to work at an employer's request, he *or she* shall be paid not less than [2] 3 hours' pay at his *or her* regular rate of pay; provided, however, that this section shall not apply to employers of counties or municipalities, and provided further that no employer who makes a good faith effort to notify an employee not to report to work shall be liable to pay wages under this section. However, if the employee reports to work after the employer's attempt to notify him *or her* has been unsuccessful or if the employer is prevented from making notification for any reason, the employee shall perform whatever duties are assigned by the employer at the time the employee reports to work.

II. This section shall not apply to hours added before or after an employee's regular shift.

III. Employees who are "on-call" are not subject to this section if they receive an on-call stipend.

IV. Health care employees of community based outreach services providers who voluntarily make schedule changes to meet the needs of the physically or mentally infirm clients they serve and who sign a statement upon hire stating that they understand this job requirement are exempt from this section.

V. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of and exceptions to this section.

AMENDED ANALYSIS

This bill requires an employer to pay 3 hours' wages to an employee called in to work. An employer who makes a good faith effort to notify an employee not to report to work shall not be liable to pay wages. Certain health care employees are exempt from this bill.

This bill also permits the commissioner to adopt rules relative to the bill.

Rep. Goley spoke in favor.

Rep. Harding spoke against.

Rep. John Flanders moved the previous question.

Adopted.

On a division vote, 81 members having voted in the affirmative and 185 in the negative, floor amendment (1244h) failed.

Rep. Phinizy declared a conflict of interest and did not participate.

CLERK'S NOTE

The constitutionally required two-thirds of the membership for action by majority vote was declared present.

The question now being adoption of the motion of Ought to Pass.

Rep. Infantine spoke against.

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 24 NAYS 242**YEAS 24
BELKNAP**

None

CARROLL

None

CHESHIRE

Dunn, J Timothy

Richardson, Barbara

Robertson, Timothy

Tilton, Anna

COOS

None

GRAFTON

None

HILLSBOROUGHBaroody, Benjamin
Gorman, Mary
Sullivan, PeterCote, David
Jeudy, JeanGinsburg, Ruth
Renzullo, AndrewGoley, Jeffrey
Shattuck, Gilman**MERRIMACK**DeJoie, John
Walz, Mary Beth

Kennedy, Richard

Potter, Frances

Tilton, Joy

ROCKINGHAM

Bishop, Franklin

Palazzo, Frank

Splaine, James

STRAFFORD

Hofemann, Roland

Smith, Marjorie

SULLIVAN

Converse, Larry

NAYS 242**BELKNAP**Allen, Janet
Pilliod, James
Tilton, FranklinClark, Charles
Rosen, Ralph
Tobin, WilliamFitzgerald, James
Russell, David
Wendelboe, FranFlanders, Donald
Thomas, John
Whalley, Michael**CARROLL**Ahlgren, Christopher
Chandler, Gene
McConkey, MarkBabson, David Jr
Dickinson, Howard
Olimpio, J LisbethBrown, Carolyn
Knox, J David
Patten, BetseyBuco, Thomas
Martin, James
Philbrick, Donald**CHESHIRE**Butcher, Suzanne
Emerson, Susan
Hunt, John
Sawyer, SheldonButynski, William
Espiefs, Peter
Parkhurst, HenryCoates, Christopher
Foote, Sheila
Pelkey, StephenEaton, Daniel
Hogancamp, Deborah
Roberts, Kris**COOS**Buzzell, Bernard
Stohl, EricKing, Frederick
Theberge, RobertMerrick, Scott
Tholl, John Jr

Remick, William

GRAFTON

Almy, Susan
Cooney, Mary
Hammond, Lee
Mirski, Paul
Sokol, Hilda

Andersen, Gene
Gionet, Edmond
Harding, A Laurie
Mulholland, Catherine
Solomon, Peter

Benn, Bernard
Giuda, Robert
Ingbreton, Paul
Naro, Debra
Williams, Burton

Bleyler, Ruth
Ham, Bonnie
McLeod, Martha
Nordgren, Sharon

HILLSBOROUGH

Batula, Peter
Brundige, Robert
Carew, James
Clark, Mark
Daniuk, Caitlin
Drisko, Richard
Essex, David
Golding, William
Harvey, Suzanne
Holden, Randolph
Kopka, Angeline
Lawrence, James
Mead, Robert
O'Brien, William
Price, Pamela
Rowe, Robert
Slocum, Lee
Ulery, Jordan
Wheeler, Robert

Beaulieu, Jane
Buhlman, David
Chase, Claudia
Coughlin, Pamela
Desmarais, Vivian
Dyer, Donald
Foster, Linda
Graham, John
Hawkins, Ken
Infantine, William
Kurk, Neal
Manney, Pamela
Mooney, Maureen
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Smith, David
Vaillancourt, Steve

Bergeron, Jean-Guy
Calawa, Leon Jr
Christensen, D L Chris
Craig, James
DeVries, Betsi
Elliott, Nancy
Francoeur, Bea
Hall, Betty
Hellwig, Steve
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
Moran, Edward
Pappas, Christopher
Rosenwald, Cindy
Schulze, Joan
Souza, Kathleen
Villeneuve, Maurice

Bergin, Peter
Campbell, David
Christiansen, Lars
Crane, Elenore Casey
Dokmo, Cynthia
Emerton, Larry
Gargas, Carolyn
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
Lasky, Bette
McRae, Karen
Movsesian, Lori
Pilotte, Maurice
Ross, Lawrence
Shaw, Barbara
Stepanek, Stephen
Wheeler, James

MERRIMACK

Anderson, Eric
Currier, David
French, Barbara
Kidder, David
McMahon, Patricia
Ryan, Jim
Williams, Robert

Blanchard, Elizabeth
DeStefano, Stephen
Gile, Mary
Lockwood, Priscilla
Osborne, Jessie
Shurtleff, Stephen
Yeaton, Charles

Bouchard, Candace
Field, William
Hager, Elizabeth
MacKay, James
Reardon, Tara
Soltani, Tony

Brueggemann, Donald
Foose, Robert
Hess, David
Marple, Richard
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Cady, Harriet
Casey, Kimberley
Dowling, Patricia
Francoeur, Sheila
Hughes, Daniel
Johnson, Robert
Major, Norman
Morris, Richard
Pantelakos, Laura
Quandt, Matthew
Rolston, James
Weare, E Albert
Zolla, William

Allen, Mary
Bicknell, Elbert
Cali-Pitts, Jacqueline
Charron, Gene
Fesh, Bob
Garrity, James
Ingram, Russell
Katsakiores, George
Mason, April
Nowe, Ronald
Powers, James
Rausch, James
Sanders, Elisabeth
Welch, David

Asselin, Michael
Bridle, Russell
Camm, Kevin
DiFruscia, Anthony
Flanders, John Sr
Gould, Kenneth
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Priestley, Anne
Robertson, Carl
Serlin, Christopher
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Carson, Sharon
Dowd, John
Flockhart, Eileen
Griffin, Mary
Itse, Daniel
Lund, Howie
Moody, Marcia
Packard, Sherman
Quandt, Marshall Lee
Robinson, John
Stiles, Nancy
Winchell, George

STRAFFORD

Bickford, David
Cataldo, Sam
Keans, Sandra
Spang, Judith

Brown, Julie
Chaplin, Duncan
Rollo, Michael
Taylor, Kathleen

Brown, Lawrence
Domingo, Baldwin
Rous, Emma
Wall, Janet

Campbell, W Packy
Dunlap, Patricia
Schmidt, Peter

SULLIVAN

Cloutier, John

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Houde-Quimby, Charlotte
and the motion failed.

Jillette, Arthur Jr

Osgood, Philip Sr

Prichard, Stephen

Rep. Infantine moved Inexpedient to Legislate.

Motion adopted.

Rep. Phinzy declared a conflict of interest and did not participate.

The House recessed at 8:50 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 9:30 p.m.

REGULAR CALENDAR (CONT'D.)

HB 1495, relative to setback requirements for landfills located near rivers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Frank A. Tupper for the Majority of Resources, Recreation and Development: Through the Rivers Management and Protection Program, rivers are nominated and studied for designation as state protected rivers. Only those with outstanding resources, whose designation is supported by their communities, receive designation. Rivers characterized as "natural" rivers enjoy the protection of a setback for new solid waste landfills which is defined in RSA 483 as "River corridor" the river and the land area located within a distance of 1,320 feet of the normal high water mark or to the landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger. The bi-partisan majority believe that if this is the setback deemed necessary for natural rivers, the same setback should be in effect for "rural" rivers in the program. Vote 11-8.

Rep. Harry C. Merrow for the Minority of Resources, Recreation and Development: Under current legislation no landfill is permitted within 100 feet of the 500 year floodplain of a river. This legislation would prevent landfills from being established within the corridor of a designated rural river or segment. The designated corridor is 1320 ft. from either side of the river after the normal high water mark. None of us are particularly enthralled with a landfill being installed anywhere. However since they are allowed, each case should be looked at separately and sound science applied. This is flawed legislation which has no scientific facts to back it up. The numbers were arbitrarily picked, no consideration was given elevation differences and no consideration was given to the permeability of the ground and whether or not an aquifer was located beneath it, all factors which can be handled by the Department of Environmental Services (DES) under existing law and rules. There are no known problems with the existing law.

Majority Amendment (1127h)

Amend the bill by replacing all after the enacting clause with the following:

1 Rural River Protection; Landfill Setback. Amend RSA 483:9-a, VII to read as follows:

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) ~~New solid waste landfills shall not be permitted [within the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within the corridor of a designated rural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact] within the corridor of a designated rural river or segment. The provisions of this subparagraph shall not apply to new solid waste landfills with permit applications filed with the department and deemed complete by July 1, 2006;~~

(b) *Existing, permitted, and secure solid waste landfills shall not be expanded within the 500 year floodplain of a designated rural river or segment and any expansion of such a landfill located within the corridor of a designated rural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;*

(c) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

~~(c)~~(d) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

~~(d)~~(e) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill increases the setback requirements for landfills located near rivers.

Rep. Carrier spoke against.

Majority committee amendment failed.

Rep. Spang offered floor amendment (1397h).

Floor Amendment (1397h)

Amend the bill by replacing all after the enacting clause with the following:

1 Natural Rivers Protection. Amend RSA 483:9, VI(a) and (b) to read as follows:

(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment, *or less than 100 feet from the landward extent of the 500 year flood plain, whichever distance is greater, and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact;*

(b) Existing, permitted and secure solid waste landfills shall not be expanded within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact. *The provisions of this paragraph shall not apply to landfill expansions associated with landfill closures or other remedial projects;*

2 Rural River Protection; Landfill Setback. Amend RSA 483:9-a, VII to read as follows:

VII. Any new solid waste storage or treatment facility, as defined in RSA 149-M:4, IX shall be set back a minimum of 250 feet from the normal high water mark of a designated rural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within ~~the 500 year floodplain of a designated rural river or segment and any new solid waste landfill located within~~ the corridor of a designated rural river or segment ~~shall be set back a minimum of~~ *or less than 100 feet from the landward extent of the 500 year floodplain whichever distance is greater* and screened from the river with a vegetative or other natural barrier to minimize visual impact. *The provisions of this paragraph shall not apply to landfill expansions associated with landfill closures or other remedial projects;*

(b) *No solid waste landfill proposed to be located within the corridor of a designated rural river or segment with a permit application that has been filed with the department by July 2, 2006, whether or not the application is deemed complete, shall be permitted within the 500 year floodplain, and if located in the corridor shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact.*

(c) *Existing, permitted, and secure solid waste landfills shall not be expanded within the 500 year flood plain of a designated rural river or segment, and any expansion of such a landfill shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and shall be screened from the river with a vegetative or other natural barrier to minimize visual impact. The provisions of this paragraph shall not apply to landfill expansions associated with landfill closures or other remedial projects;*

~~(b)~~(d) Any land application within the river corridor of septage, sludge, or solid waste, as defined in RSA 149-M:4, XXII, shall be set back a minimum of 250 feet from the normal high water mark and shall be immediately incorporated into the soil. The provisions of this subparagraph shall not apply to manure, lime, or wood ash when used for agricultural purposes;

~~(e)~~(e) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated rural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

~~(f)~~(f) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated rural river or segment.

3 Effective Date. This act shall take effect upon passage.

AMENDED ANALYSIS

This bill increases the setback requirements for landfills located near rivers, making the natural rivers protection similar to the rural river protection language.

Rep. Spang spoke in favor and yielded to questions.

On a division vote, 220 members having voted in the affirmative and 49 in the negative, floor amendment (1397h) was adopted.

The question now being adoption of the motion of Ought to Pass as amended.

Rep. Franklin Tilton spoke against.

Rep. Currier spoke in favor.

On a division vote, 190 members having voted in the affirmative and 79 in the negative, the motion of Ought to Pass as amended was adopted.

Ordered to third reading.

SPECIAL ORDER

HB 1673-FN, relative to the reduction of mercury emissions. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Roy D. Maxfield for the Majority of Science, Technology and Energy: This bill provides for at least an 80% reduction of mercury emissions from coal-fired power plants by requiring the installation of a scrubber technology no later than July 1, 2013 and provides economic incentives for earlier installation timeframes and greater reduction in emissions. The committee amendment provides for annual progress reports from Public Service of New Hampshire (PSNH) and also cost recovery language. This legislation is a result of months of collaborative work by PSNH, the Department of Environmental Services, the Governors office, multiple environmental groups, members of the committee and other stakeholders. The scrubber technology not only will reduce mercury by at least 80%, it will dramatically reduce SO2 emissions. Our committee held multiple work sessions and all had an opportunity to present their views. A comprehensive review of the time frame was conducted by two members of the committee who concluded that the 2013 date is appropriate. It is in the best interests of PSNH to achieve early reductions for mercury and they are proceeding with a US Department of Energy (DOE) grant to accomplish this objective. This bill has consensus support from the Governor and stakeholders, and has wide bipartisan support in the General Court. The bill achieves the primary objectives of reasonable reductions, in a reasonable timeframe, at a reasonable cost to electricity users. Vote 13-2.

Rep. Gene F. Andersen for the Minority of Science, Technology and Energy: The bill provides for significant mercury reductions from facilities operated by Public Service of New Hampshire (PSNH) by 2013. Some testimony indicated that an optimal permit and construction schedule could provide a 2011 completion for mercury removal equipment; thereby providing the necessary and desired reductions of mercury and other pollutants during that two year period. The minority felt the 2011 date should be utilized for implementation of the mercury reduction requirement and provide for extensions beyond that date if and only if PSNH was unable to complete by 2011 due to circumstances beyond its control.

Majority Amendment (0936h)

Amend RSA 125-O:13 as inserted by section 1 of the bill by inserting after paragraph VIII the following new paragraph:

IX. The owner shall report by June 30, 2007 and annually thereafter, to the legislative oversight committee on electric utility restructuring, established under RSA 374-F:5, and the chairpersons of the house science, technology, and energy committee and the senate energy and economic development committee, on the progress and status of complying with the requirements of paragraphs I and III, relative to achieving early reductions in mercury emissions and also installing

and operating the scrubber technology including any updated cost information. The last report required shall be after the department has made a determination, under paragraph V, on the maximum sustainable rate of mercury emissions reductions by the scrubber technology.

Amend RSA 125-O:18 as inserted by section I of the bill by replacing it with the following:

125-O:18 Cost Recovery. If the owner is a regulated utility, the owner shall be allowed to recover all prudent costs of complying with the requirements of this subdivision in a manner approved by the public utilities commission. During ownership and operation by the regulated utility, such costs shall be recovered via the utility's default service charge. In the event of divestiture of affected sources by the regulated utility, such divestiture and recovery of costs shall be governed by the provisions of RSA 369-B:3-a.

Majority committee amendment adopted.

Majority committee report adopted and ordered to third reading.

SPECIAL ORDER

HB 1738-FN, prohibiting the use of surveillance devices to identify motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Brenda L. Ferland for Transportation: This bill would have prohibited the use of surveillance devices including cameras, transponders, cellular phones, global positioning satellites, and radio frequency to identify motor vehicles. There was much opposition from the New Hampshire Bankers Association, Department of Transportation, Department of Safety and Attorney Generals Office since they were among the list of people who would be prohibited. The prime sponsor attempted to amend the bill but that only added to the confusion about what would be accepted usage. Every instance that was talked about in committee seemed not to apply. Thus, the committee concluded that this is a solution looking for a problem. Vote 12-1.

Rep. Packard spoke against.

Committee report failed.

Rep. Kurk moved Ought to Pass and offered floor amendment (1307h).

Floor Amendment (1307h)

Amend the bill by replacing all after the enacting clause with the following:

I New Subdivision; Highway Video Surveillance. Amend RSA 236 by inserting after section 129 the following new subdivision:

Highway Video Surveillance

236:130 Highway Surveillance Prohibited.

I. In this subdivision, "surveillance" means the act of determining the ownership of a motor vehicle or the identity of a motor vehicle's occupants on the public ways of the state or its political subdivisions through the use of a camera or other imaging device or any other device, including but not limited to a transponder, cellular telephone, global positioning satellite, or radio frequency identification device, that by itself or in conjunction with other devices or information can be used to determine the ownership of a motor vehicle or the identity of a motor vehicle's occupants.

II. Neither the state of New Hampshire nor its political subdivisions shall engage in surveillance on any public ways of the state or its political subdivisions.

III. The prohibition set forth in paragraph II shall not apply where surveillance:

(a) Is specifically authorized by statute;

(b) Is undertaken on a case-by-case basis in the investigation of a particular violation, misdemeanor, or felony;

(c) Is undertaken to produce images or data that:

(1) Are viewed only at the transportation management center of the department of transportation in connection with a particular incident occurring on a public way; and

(2) Are not recorded;

(d) Is incidental to the monitoring of a building or other structure under the control of the state or a political subdivision of the state; or

(e) Is undertaken for the security of the following bridges and approach structures: I-95 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth.

IV. Nothing in this section shall prevent the creation, transmission, or recording of any images or data which cannot, by enhancement, manipulation, or otherwise, be used for surveillance.

V. Any person violating the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

236:131 Information from Other Sources. Neither the state of New Hampshire nor its political subdivisions shall obtain from others, including private businesses and federal and state governments, any information that it is prohibited from obtaining under the provisions of RSA 236:130.

2 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill prohibits the use of surveillance devices on New Hampshire highways unless authorized by statute or under certain other circumstances.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Mirski spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Floor amendment (1307h) adopted.

Motion of Ought to Pass as amended adopted and ordered to third reading.

REGULAR CALENDAR (CONT'D.)

HB 317-FN, relative to mooring fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael D. Whalley for Ways and Means: This bill as originally adopted by the House would have increased fees on moorings on the six regulated lakes by over 100 percent annually. A cost analysis of the mooring program, provided by the Department of Safety, indicated that the program had annual expenses of \$149,000. That analysis also indicated that moorings that were part of a congregate mooring field have a greater cost to the program than moorings permitted to individuals. The bill, as amended, will maintain the annual fee to renew an individual mooring, not part of a congregate mooring field, at \$25 per mooring, per year. The fee to renew a mooring that is part of a congregate field would increase from \$25 to \$50 per mooring, per year, as recommended by the Resources Recreation and Development Committee. The initial application fee would also increase from \$25 to \$125 as originally recommended. The new fee schedule will raise approximately \$190,000 which is more than adequate to cover the cost of the mooring program. Vote 14-3.

Amendment (1272h)

Amend the bill by replacing section 1 with the following:

1 Mooring of Boats on Public Waters; Annual Mooring Fee; Permit Expiration. Amend RSA 270:62, V-VII to read as follows:

V. A fee of \$125 shall be charged for each initial decal issued pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a. An annual mooring fee of \$50 for each mooring in a congregate mooring field and \$25 for each mooring not in a congregate mooring field shall be charged for each decal [issued] renewed pursuant to this subdivision which shall be deposited in the navigation safety fund established under RSA 270-E:6-a.

VI. [Each permit granted under this subdivision shall expire on December 31 of the fifth year from the date of issuance.

~~VII.~~ A hearing shall not be required for the renewal of a permit for a congregate mooring field, unless there are changes in the permit or a hearing is requested after notice has been issued.

AMENDED ANALYSIS

This bill increases the fee for an initial mooring decal and the annual mooring fee for moorings in congregate mooring fields. This bill also eliminates the expiration of mooring permits after 5 years. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 634-FN-A, relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Shawn N. Jasper for the Majority of Ways and Means: This bill deals with a very important and complicated matter; reducing the amount of solid waste which the state landfills and incinerates. As a state we failed to attain our goal of 40 percent diversion by the year 2000. We are rapidly running out of landfill space and with the exception of one expansion there are no new facilities currently being sited. It is a problem to which we must find a solution. It does not appear that the funding within this bill will have a significant impact on solid waste reduction. Fifty percent of

the monies raised by the fee will be available to non-profit organizations which meet certain criteria. While some of that money will filter back to communities, there is no guarantee that it will be a significant amount nor is it likely that all communities would benefit equally. Of the states fifty percent, nearly all of the money will go to salaries and Household Hazardous Waste. Not only that, the manner in which the money is raised gives rise to Constitutional issues, under Article 28A. While municipalities are not required to have landfills, they must provide for the disposal of municipal waste. It is clear that at a minimum they would be responsible for paying the fees associated with trash generated by the municipal operations. If that were the only question we had, we could have asked for an opinion of the courts; however, other concerns still remain. At the last minute the Department of Environmental Services came forward with a proposal which seems to solve many, if not all, of the above concerns. We appreciate the frustration of the policy committee in not having had the opportunity to review the plan at their public hearing; however, we believe that it is the best interest of the state to fully explore their proposal. If the bill is sent to study the committee will be composed of members of four committees; Environment and Agriculture, Municipal and County Government, Science and Technology and Ways and Means. This composition should insure that all of the major concerns can be addressed by representatives from the appropriate policy committee. Vote 14-4.

Rep. John M. Pratt for the Minority of Ways and Means: The one thing this bill does not need is further study. This bill was the subject of ten – count them – ten subcommittee hearings over a couple of years in Environment and Agriculture. It passed Environment and Agriculture on a bipartisan 15-0 vote. It was then subject to extensive debate on the floor of the House before it passed the House on a 176-168 vote. It was sent on to Ways and Means for the sole purpose of examining the adequacy of the funding mechanism in the bill. It is not – and ought not – be the prerogative of a second committee to subvert the will of the House by side tracking a bill because a majority of that committee or House leadership itself doesn't agree with its substance.

Reps. Rous and Vaillancourt spoke against.

Reps. Jasper, Hall, Major and Babson spoke in favor.

On a division vote, 175 members having voted in the affirmative and 94 in the negative, the majority committee report was adopted.

HB 678-FN, relative to the insurance premium tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Benjamin E. Parker for the Majority of Ways and Means: This bill was introduced in the Commerce Committee, who then recommended it to the House. The House passed the bill and referred it to the Ways and Means Committee. The bill as introduced to the Ways and Means Committee reduced the premium tax for property and casualty and life insurance from 2 percent to 1 percent upon sixty days after passage. The committee amendment changes the premium tax to 1.75 percent effective July 1, 2007, then 1.5 percent effective January 1, 2009, then 1.25 percent effective January 1, 2010 and finally 1 percent effective January 1, 2011. As amended, the static fiscal impact for FY08 would be a 2.4 million revenue reduction; FY09, \$4.2 million reduction; FY10, \$9.1 million reduction; FY11, \$11.1 million reduction and FY12, \$13.4 million reduction. No consideration is given to an increase in the business profits tax resulting from reduced premium tax credits. With the policy set by the Commerce Committee and approved by the House, the committee analyzed the dynamics of the change in the premium tax and worked to mitigate the revenue impact of the change. The committee noted anecdotal evidence of insurance companies re-domesticating to low premium tax states, but found empirical evidence that total insurance related employment on average increased in low premium tax states relative to higher premium tax states. Representatives from specific insurance companies provided assurances that the rate reduction as proposed in this bill as amended would, in one instance, result in retention of a large New Hampshire company currently planning to re-domesticate in another state and, in other instances, result in expansion of existing operations. Though re-domestication to or from another state does not mean an immediate shift in jobs, evidence showed that jobs do migrate over time to the new home state. No consideration is given in the above revenue impact to re-domestication of insurance companies to New Hampshire. The committee found that insurance company corporate offices support a wide range of employment opportunities including a large number of relatively well-paying jobs that required a high level of education. Further, these jobs are the type New Hampshire

both seeks to retain and is well suited to attract. Testimony showed that additional insurance industry jobs would have a positive effect on both local and state revenues. The amendment to this bill phases in the premium tax reduction beginning with the next biennium budget. This ensures that estimates for the current budget are not affected, it sends the appropriate signal to the insurance industry and allows lead-time for response, and if industry response is not appropriate over the next few years, allows reconsideration of the reduction before the rate is reduced to 1 percent. While the committee believes state revenues will be adversely affected at today's values whether the premium tax rate is changed or not, on balance, the majority of the committee believes that this bill as amended results in a greater net benefit to future state revenues and State's economic outlook. Vote 15-2.

Rep. Susan W. Almy for the Minority of Ways and Means: The minority agrees with the majority on the positive aspects of this bill, but cannot tolerate the negative ones. This is the same as a direct appropriation to the insurance companies of \$6.4 million in the next biennium FY08/FY09, \$20.2 million in the next FY10/FY11, and \$26.8 million in the ones that follow using conservative estimates. These are the sums that we would have collected under the existing premium tax, but will not collect if this passes. These are the sums that would have gone to paying for the increased costs of the services we now provide the citizenry, increased by inflation in staff wages and health, fuel, and other costs. What do you want to do instead? Raise another tax, or further cut the services we have been eroding every two years?

Majority Amendment (1263h)

Amend the bill by replacing section 3 with the following:

3 Insurance; Premium Tax Decreased. Amend RSA 400-A:32, I to read as follows:

1.(a) Every insurer shall pay to the insurance commissioner a tax [~~of 2 percent~~] upon such net premiums, *for lines of business written*, as set forth in the report filed pursuant to RSA 400A:31, I, less estimated payments made in accordance with RSA 400-A:32, II[~~;~~], *as follows:*

(1) *Effective July 1, 2007, a tax of 1.75 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II;*

(2) *Effective January 1, 2009, a tax of 1.50 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II;*

(3) *Effective January 1, 2010, a tax of 1.25 percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II; and*

(4) *Effective January 1, 2011, a tax of one percent for all lines of business written pursuant to RSA 401:1, I-III and V-VIII, and RSA 401:1-a, I and II.*

(5) *A tax of 2 percent for all lines of business written pursuant to RSA 401:1, IV, including, but not limited to, insurers licensed pursuant to RSA 420-A, RSA 420-B, and RSA 420-F.*

(b) Provided, however, that every authorized insurer shall pay to the insurance commissioner a minimum annual premium tax of no less than \$200.

AMENDED ANALYSIS

This bill reduces the insurance premium tax in an effort to retain companies that are presently domesticated in New Hampshire and attract other companies to domesticate in New Hampshire.

MOTION TO LAY ON THE TABLE

Rep. Phinzy moved that *HB 678-FN*, relative to the insurance premium tax, be laid on the table, and the motion failed.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Rep. Almy spoke against and yielded to questions.

Reps. Lund and Parker spoke in favor and yielded to questions.

Rep. Giuda spoke in favor.

Rep. Ryan spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Bettencourt requested a roll call; sufficiently seconded.

YEAS 183 NAYS 85**YEAS 183****BELKNAP**

Clark, Charles	Fitzgerald, James	Flanders, Donald	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey		

CHESHIRE

Butynski, William	Coates, Christopher	Emerson, Susan	Footte, Sheila
Hogancamp, Deborah	Hunt, John	Parkhurst, Henry	Pelkey, Stephen
Richardson, Barbara	Roberts, Kris	Sawyer, Sheldon	

COOS

King, Frederick	Remick, William	Stohl, Eric	Troll, John Jr
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GRAFTON

Gionet, Edmond	Giuda, Robert	Ham, Bonnie	Ingbretson, Paul
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Campbell, David	Carew, James	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Daniuk, Caitlin
Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Foster, Linda
Francœur, Bea	Gargas, Carolyn	Golding, William	Graham, John
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Irwin, Anne-Marie	Jasper, Shawn	L'Heureux, Robert	Lawrence, James
Manney, Pamela	McRae, Karen	Mead, Robert	Mooney, Maureen
Moran, Edward	Movsesian, Lori	O'Brien, William	O'Connell, Timothy
Price, Pamela	Renzullo, Andrew	Ross, Lawrence	Rowe, Robert
Ryder, Donald	Shaw, Barbara	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Currier, David
DeStefano, Stephen	Field, William	Hager, Elizabeth	Hamm, Christine
Hess, David	Kennedy, Richard	Kidder, David	Lockwood, Priscilla
MacKay, James	Marple, Richard	Reardon, Tara	Rush, Deanna
Soltani, Tony			

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Asselin, Michael	Belanger, Ronald
Bettencourt, David	Bicknell, Elbert	Bishop, Franklin	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Casey, Kimberley	Charron, Gene	Dowd, John	Dowling, Patricia
Fesh, Bob	Flanders, John Sr	Flockhart, Eileen	Francœur, Sheila
Garrity, James	Gould, Kenneth	Griffin, Mary	Hughes, Daniel
Ingram, Russell	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Lund, Howie	Major, Norman
Mason, April	McKinney, Betsy	Morris, Richard	Nowe, Ronald

O'Neil, Michael
 Priestley, Anne
 Robinson, John
 Weare, E Albert
 Winchell, George

Packard, Sherman
 Quandt, Marshall Lee
 Rolston, James
 Welch, David
 Zolla, William

Palazzo, Frank
 Quandt, Matthew
 Sanders, Elisabeth
 Wells, Roger

Parker, Benjamin
 Rausch, James
 Stiles, Nancy
 Weyler, Kenneth

STRAFFORD

Brown, Julie
 Dunlap, Patricia

Campbell, W Packy
 Rollo, Michael

Cataldo, Sam
 Taylor, Kathleen

Chaplin, Duncan

SULLIVAN

Converse, Larry

Osgood, Philip Sr

NAYS 85

BELKNAP

None

CARROLL

Buco, Thomas

CHESHIRE

Butcher, Suzanne
 Robertson, Timothy

Dunn, J Timothy
 Tilton, Anna

Eaton, Daniel

Espiefs, Peter

COOS

Buzzell, Bernard

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan
 Cooney, Mary
 Nordgren, Sharon

Andersen, Gene
 Hammond, Lee
 Sokol, Hilda

Benn, Bernard
 Harding, A Laurie
 Solomon, Peter

Bleyler, Ruth
 Naro, Debra

HILLSBOROUGH

Baroody, Benjamin
 Craig, James
 Gorman, Mary
 Jeudy, Jean
 Matarazzo, Anthony Sr
 Schulze, Joan

Beaulieu, Jane
 Essex, David
 Hall, Betty
 Kopka, Angeline
 Pappas, Christopher
 Shattuck, Gilman

Chase, Claudia
 Ginsburg, Ruth
 Harvey, Suzanne
 Kurk, Neal
 Pilotte, Maurice
 Vaillancourt, Steve

Cote, David
 Goley, Jeffrey
 Holden, Randolph
 Lasky, Bette
 Rosenwald, Cindy

MERRIMACK

Blanchard, Elizabeth
 Gile, Mary
 Ryan, Jim
 Walz, Mary Beth

DeJoie, John
 McMahon, Patricia
 Shurtleff, Stephen
 Williams, Robert

Foose, Robert
 Osborne, Jessie
 Tilton, Joy
 Yeaton, Charles

French, Barbara
 Potter, Frances
 Wallner, Mary Jane

ROCKINGHAM

Cali-Pitts, Jacqueline
 Powers, James

DiFruscia, Anthony
 Robertson, Carl

Moody, Marcia
 Serlin, Christopher

Pantelakos, Laura
 Splaine, James

STRAFFORD

Bickford, David
 Keans, Sandra
 Spang, Judith

Brown, Lawrence
 Rous, Emma
 Wall, Janet

Domingo, Baldwin
 Schmidt, Peter

Hofemann, Roland
 Smith, Marjorie

SULLIVAN

Cloutier, John
 Houde-Quimby, Charlotte

Donovan, Thomas
 Jillette, Arthur Jr

Ferland, Brenda
 Phinizy, James

Franklin, Peter
 Prichard, Stephen

and the majority committee report was adopted.

Ordered to third reading.

Rep. Infantine declared a conflict of interest and did not participate.

HB 1311-FN-A, relative to the electronic filing of reports and applications with the secretary of state and relative to certain fees paid to the secretary of state. **OUGHT TO PASS WITH AMENDMENT.** Rep. Shawn N. Jasper for Ways and Means: This bill as originally approved would require electronic filing of reports and applications with the Secretary of State and increase fees. Testimony from the Secretary of State's Office refuted the need to increase fees. The amendment maintains the policy as it came to us but eliminated the fee increase. Vote 12-4.

Amendment (1254h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the electronic filing of reports and applications with the secretary of state. Amend the bill by deleting sections 2-5 and renumbering the original section 6 to read as 2.

AMENDED ANALYSIS

This bill authorizes the secretary of state to implement an electronic filing system for certain reports and applications that are filed with the office of the secretary of state. Amendment adopted.

Committee report adopted and ordered to third reading.

HB 1701-FN-A, relative to boat fee agents of the department of safety, increasing the boat registration fee, and relative to the prevention of exotic aquatic weeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Priscilla P. Lockwood for Ways and Means: This bill would increase the boat registration fee with the money from agent collectors to go to the state for the Lakes Restoration and Preservation Fund. While this is a good purpose, the money at the present time goes to the towns in which the boats are registered. This bill would take monies from the towns which in some cases is a substantial amount. Vote 9-7.

Committee report adopted.

REMOVED FROM THE TABLE

Rep. Coughlin moved that **HR 13**, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424), be removed from the table.

Adopted.

The pending question being Inexpedient to Legislate.

Rep. Coughlin spoke against.

Committee report failed.

Rep. Coughlin moved Ought to Pass and offered floor amendment (1279h).

Floor Amendment (1279h)

Amend the resolution by replacing the title of the resolution with the following:

A RESOLUTION condemning the genocide in the Darfur region of the Sudan and calling upon the President, the State Department and Congress to unite the international community to end the genocide in Darfur.

Amend the resolution by replacing all after the title with the following:

Whereas, on February 1, 2005, the United Nations released the Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General which found that war crimes and crimes against humanity had been perpetrated in the Darfur region of Sudan; and

Whereas, the Report of the International Commission of Inquiry established that Sudanese government forces and the Janjaweed militia are responsible for systematic and widespread killing, torture, rape, pillaging, and forced displacement throughout Darfur and that these acts result in 10,000 deaths every month; and

Whereas, President Bush, former Secretary of State Powell, and the United States Congress have declared the attacks to be genocide, a crime against humanity; and

Whereas, 136 nations, including the United States, condemn, and seek to prevent and punish the Crime of Genocide as signatories to the Convention on the Prevention and Punishment of Crimes Against Humanity; and

Whereas, the continuing atrocities in Darfur cry out for an aggressive international response to provide protection for 2 million internally-displaced Sudanese, to expand humanitarian relief efforts without delay, and to establish political negotiations to end these atrocities; now therefore, be it

Resolved by the House of Representatives:

That the New Hampshire House of Representatives:

I. Condemns the ongoing genocide in Darfur; and

II. Calls upon the President, the State Department, and Congress to unite the international community to end the genocide in Darfur; and

That a copy of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This resolution condemns the genocide in the Darfur region of the Sudan and calls upon the President, the State Department, and Congress to unite the international community to end the genocide in Darfur.

Rep. Coughlin spoke in favor.

Rep. Giuda moved the previous question.

Adopted.

Floor amendment (1279h) adopted.

Motion of Ought to Pass as amended adopted.

Ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 5, 2006 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

CACR 30, relating to limits on the taking of private property. Providing that a person's property shall not be taken by eminent domain if the taking is for private use.

HB 1692-FN, establishing the New Hampshire sexual predators act.

HB 627-FN, relative to including persons 17 years old in the juvenile justice system.

HB 1189, relative to audits by the legislative budget assistant.

HB 1241-FN-L, extending the kindergarten construction aid program.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits.

HB 1697-FN, relative to certain state salaries.

HB 1735-FN, relative to awarding the state employees' health insurance plan.

HB 1167-FN-A, making an appropriation to the land and community heritage investment program.

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state.

HB 1249-FN-A-L, relative to state reimbursement for school breakfasts and making an appropriation therefor.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor.

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor.

HB 1608-FN-A, making appropriations to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage.

HB 1710-FN, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor.

HB 1495, relative to setback requirements for landfills located near rivers.

HB 1673-FN, relative to the reduction of mercury emissions.

HB 1738-FN, prohibiting the use of surveillance devices to identify motor vehicles.

HB 317-FN, relative to mooring fees.

HB 678-FN, relative to the insurance premium tax.

HB 1311-FN-A, relative to the electronic filing of reports and applications with the secretary of state.

HR 13, condemning the genocide in the Darfur region of the Sudan and calling upon the President, the State Department and Congress to unite the international community to end the genocide in Darfur.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purposes of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 11:15 p.m.

RECESS

(Rep. O'Neil in the Chair)

RESOLUTION

Rep. Price offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 103, 225, 231, 241, 244, 250, 254, 262, 284, 302, 305, 308, 318, 323, 327, 333, 337, 350, 353, 355, 363, 382, 386, 398, 399, 404, and 405, and Senate Concurrent Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

INTRODUCTION OF SENATE BILLS AND SCR

First, second reading and referral

SB 103-FN-A-L, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund. (Resources, Recreation and Development)

SB 225-FN-A, relative to horse and dog racing. (Ways and Means)

SB 231, relative to the residency requirement to qualify for the elderly property tax exemption. (Municipal and County Government)

SB 241, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. (Municipal and County Government)

SB 244, relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services. (Science, Technology and Energy)

SB 250, relative to lead paint poisoning prevention. (Environment and Agriculture)

SB 254, renaming a certain bridge in the town of Stratford the Janice Peaslee Bridge. (Public Works and Highways)

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. (Criminal Justice and Public Safety)

SB 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts. (Judiciary)

SB 302-FN, relative to real estate brokers. (Executive Departments and Administration)

SB 305-FN, relative to the regulation of recreational therapists. (Executive Departments and Administration)

SB 308-FN-A-L, making an appropriation for school building aid. (Finance)

SB 318-FN, relative to the use of deadly force to protect oneself. (Criminal Justice and Public Safety)

SB 323, establishing a legislative youth advisory council. (Children and Family Law)

SB 327, establishing the New Hampshire civil war cannon restoration fund. (Finance)

SB 333, relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants. (Criminal Justice and Public Safety)

SB 337, relative to the sale and repurchase of property acquired by tax deed. (Municipal and County Government)

SB 350-FN, relative to boarding kennels. (Executive Departments and Administration)

SB 353-FN, relative to registration of criminal offenders convicted of homicide. (Criminal Justice and Public Safety)

SB 355-FN, relative to unlawful possession of alcohol by a minor. (Children and Family Law)

SB 363-FN-A-L, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax. (Ways and Means)

SB 382, relative to the guardian ad litem board. (Children and Family Law)

SB 386, relative to large groundwater withdrawals. (Resources, Recreation and Development)

SB 398-FN, relative to political contributions and expenditures. (Election Law)

SB 399-FN, relative to the powers of state government in the event of a pandemic. (Health, Human Services and Elderly Affairs)

SB 404, relative to retirement benefits, service credits, and administration of the Manchester employees' contributory retirement system. (Executive Departments and Administration)

SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system. (Executive Departments and Administration)

SCR 6, urging Congress to support stem cell research. (State-Federal Relations and Veterans Affairs)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 581, 1115, 1118, 1119, 1156, 1225, 1283, 1296, 1468, 1471, 1503, 1605, 1654, 1658 and 1659, and Senate Bill numbered 206.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES

CONCURRENCE

HB 581, relative to approval and review of municipal charters.

HB 590, excluding stepchildren from the definition of "child" in the context of support orders.

HB 1118, requiring paper ballots at all elections.

HB 1156, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail.

HB 1225-FN-A, relative to the judicial branch family division for the Henniker and Hillsborough District Courts.

HB 1471-FN, repealing the statutes relative to regional highway conferences.

HB 1503, relative to financial programs administered by the postsecondary education commission.

HB 1654-FN, relative to the probate court mediation fund and fee.

NONCONCURRENCE

HB 162, relative to general rules for vessels operating on water.

RECESS

(Rep. Bergin in the Chair)

RESOLUTION

Rep. Manney offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 107, 230, 232, 267, 268, 273, 298, 304, 306, 314, 317, 324, 339, 341, 342, 345, 352, 354, 364, 367, 369, 373, 374, 380, 384, 391, 394, 395, 397, 403 and 407 and Constitutional Amendment Concurrent Resolution numbered 44, shall be by this resolution read a first and second time by the therein listed titles and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS AND CACR**First, second reading and referral**

- SB 107-FN*, relative to the tax on tobacco products other than cigarettes. (Ways and Means)
- SB 230*, relative to the qualifications and liability of the medical director responsible for utilization review under the managed care law. (Commerce)
- SB 232-FN-A*, making a capital appropriation to the department of health and human services for a dental facility in the town of Tamworth. (Public Works and Highways)
- SB 267*, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Labor, Industrial and Rehabilitative Services)
- SB 268*, raising the age of required attendance of children in school and establishing a 2-year pilot program for increasing vocational education opportunities in the Manchester and Nashua school districts and making an appropriation therefor. (Education)
- SB 273*, relative to reasonable accommodations for employees with disabilities. (Labor, Industrial and Rehabilitative Services)
- SB 298-FN*, relative to motor vehicle fines. (Ways and Means)
- SB 304*, relative to provider payments negotiated by the commissioner of the department of health and human services. (Finance)
- SB 306-FN-A*, establishing a quality early learning opportunity initiative and making an appropriation therefor. (Education)
- SB 314-FN-L*, establishing minimum renewable standards for energy portfolios. (Science, Technology and Energy)
- SB 317-FN*, establishing a screening panel to review complaints to occupational and professional regulatory boards and establishing an appeals board to review decisions by occupational and professional regulatory boards. (Executive Departments and Administration)
- SB 324*, requiring notification concerning certain offenders against children. (Criminal Justice and Public Safety)
- SB 339*, changing certain job titles and responsibilities in the department of transportation. (Executive Departments and Administration)
- SB 341*, extending by one year the advisory-only period for OBD II testing. (Transportation)
- SB 342*, relative to the treatment of glaucoma by optometrists. (Executive Departments and Administration)
- SB 345*, relative to lobbyist registration requirements. (Election Law)
- SB 352-FN*, relative to the regulation of real estate appraisers. (Executive Departments and Administration)
- SB 354-FN*, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system. (Executive Departments and Administration)
- SB 364-FN-A*, relative to funding of the fish and game search and rescue fund and making an appropriation therefor. (Finance)
- SB 367-FN*, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds. (Ways and Means)
- SB 369*, relative to portability, availability, and renewability of health coverage. (Commerce)
- SB 373-FN-A*, relative to a public health response to arbovirus. (Health, Human Services and Elderly Affairs)
- SB 374-FN*, relative to the state children's health insurance program. (Commerce)
- SB 380-FN-A*, establishing a research and development credit against business taxes. (Ways and Means)
- SB 384-FN-A-L*, establishing a temporary one-time exemption from the real estate transfer tax for certain transfer of family farm or open space land. (Ways and Means)
- SB 391-FN*, relative to insurance third party administrators. (Commerce)
- SB 394*, establishing the Trust Modernization and Competitiveness Act. (Commerce)
- SB 395*, relative to the number of children in a licensed foster home. (Children and Family Law)
- SB 397-FN-A*, establishing a temporary energy tax credit against the business enterprise tax. (Ways and Means)
- SB 403*, relative to verification of identity when a person registers or attempts to vote. (Election Law)
- SB 407-FN-A*, relative to enforcement of labor statutes under current federal immigration laws. (Criminal Justice and Public Safety)

CACR 44, relating to limits on the taking of private property. Providing that a person's property shall not be taken by eminent domain if the taking is for private use. (Judiciary)

SENATE MESSAGE

CONCURRENCE

HB 410, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.

HB 1114, relative to regulation by the board of licensure of interpreters for the deaf and hard of hearing.

HB 1122, relative to special elections.

HB 1152, naming a certain bridge over the Merrimack River.

HB 1226-FN, relative to the New Hampshire Humanities Council.

HB 1370, transferring certain surplus moneys to the revenue stabilization reserve account.

HJR 23, a resolution designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail.

RECESS

(Rep. Bicknell in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 410, 1114, 1122, 1152, 1226 and 1370, and House Joint Resolution 23.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 12

Wednesday, April 5, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

Speak to us out of the silence, O God. In a world drowning in sounds: the chatter of machinery, the beeping of technology, the ring-tones of cell phones. Still our hearts to listen for a sound we have almost forgotten; how to hear: the still, small voice which speaks lovingly and constantly, if we would only hear.

Help the Barker family to hear Your words of comfort and strength as they grieve the death and remember the life of their beloved Robert. Help us in our work today to hear again Your word of affection for all that is precious and good and generous in this fleeting life. Give ears to all who are straining under terrible burdens today to hear the assurance of Your presence which bears and hopes and endures all things. And give Karen Wadsworth, we pray, the ears to hear Your affection and Your healing for her.

And by Your grace, may we, in listening for You, speak to one another and to all we meet, whether friend or foe, a word of kindness and compassion. All this we pray in Your Holy Name. Amen.

Rep. Lawrence C. Ross, member from Peterborough, led the Pledge of Allegiance.

The National Anthem was sung by Cassandra Millett, Miss New England Teen - 2005.

LEAVES OF ABSENCE

Reps. Barry, Brueggemann, Chabot, David Cote, Gibson, Gonzalez, Hunter, Kobel, Putnam, Kimberly Shaw, Snyder and Joy Tilton, the day, illness.

Reps. Adams, Aguiar, Bergin, Biundo, Bridle, C. Pennington Brown, Buhlman, Chris Christensen, Desmarais, Donald Flanders, Giuda, Goley, Hebert, Heon, Kidder, Klose, McRae, Moran, Morneau, Movsesian, O'Connell, O'Neil, Parker, Rochette, Serlin, Sokol and Anna Tilton, the day, important business.

Reps. Barooddy, Bishop, MaryAnn Blanchard, Boyce and Norelli, the day, illness in the family.

INTRODUCTION OF GUESTS

Kimberly Irish and Jacob Dole, daughter and guest of Rep. Irish. Honorable William Zolla, Alice Zolla and Matthew Greco, guests and son of Rep. Greco.

INTRODUCTION OF SPECIAL GUESTS

Pauline Barker and Crystal Schaaf, widow and daughter of Honorable Robert R. Barker, guests of the House.

HOUSE RESOLUTION NO. 23

Memorializing State Representative Robert R. Barker of Campton

WHEREAS, we have learned with great sorrow of the death of our friend and colleague Robert R. Barker, who was in his 3rd term of dedicated service in the House of Representatives on behalf of the citizens of District 6 of Grafton County, currently being the towns of Campton, Ellsworth, Orford, Rumney and Wentworth, and previously including Holderness, Thornton and Waterville Valley; and

WHEREAS, Robert R. Barker was known by friends and colleagues as a well-educated man, having attended the University of New Hampshire, Cambridge University, the University of Massachusetts, the Air University Command and Staff College and other specialized military schools, earning him the respect and admiration of those who knew him; and

WHEREAS, Robert R. Barker was a lifelong outdoorsman, having been one of the youngest to hike the Long Trail of Vermont on his own at age 14, he was able to transfer his love of outdoor activities, including skiing, motorcycle riding, benchrest rifle, pistol, trap and skeet shotgun shooting, into his service to the state as a valued member of the Fish and Game Committee; and

WHEREAS, Robert R. Barker did faithfully and honorably serve his country for 22 years as a member of the United States Air Force, attaining the rank of Lieutenant Colonel, while earning the Legion of Merit, Meritorious Service Medal, Joint Service Commendation Medal, Air Force Commendation Medal and Vietnam Service Medal with three Oak Leaf clusters, among other awards; now, therefore, be it

RESOLVED, by the House of Representatives in Regular Session convened, that Robert R. Barker be granted the highest praise and accolades for his dedicated service to his community, his country and his state; and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Offered by the House of Representatives

Unanimously adopted by a rising vote of silent prayer.

MOTION TO VACATE

Reps. Major and King moved that the House vacate the reference of **SB 367-FN**, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds, to the committee on Ways and Means.

Motion adopted.

The Speaker referred SB 367-FN to the committee on Finance.

SUSPENSION OF RULES

Reps. Weyler and Craig moved that the House Rules be so far suspended as to allow **SB 286-FN**, relative to notice to defendants in small claims actions, **SB 374-FN**, relative to the state children's health insurance program, and **SB 391-FN**, relative to insurance third party administrators, an extension of the deadline of last day to report on Senate Bills going to a second committee, be moved to Thursday, April 13, 2006.

Adopted by the necessary two-thirds.

SENATE MESSAGES

REQUEST CONCURRENCE WITH AMENDMENTS

HB 1147, relative to the conduct of recounts. (Amendment printed SJ 03/22/06)

Rep. Whalley moved that the House concur and spoke in favor.

Adopted.

HB 544, relative to the land and community heritage program. (Amendment printed SJ 02/23/06)

Rep. Babson moved that the House concur and spoke in favor.

Adopted.

Rep. Mirski declared a conflict of interest and did not participate.

HB 649-FN-A-L, establishing a commission to study the costs and funding of medicolegal investigations and autopsies. (Amendment printed SJ 03/09/06)

Rep. King moved that the House concur and spoke in favor.

Adopted.

HB 1657, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs. (Amendment printed SJ 03/09/06)

Rep. Robert L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 334, relative to the type of notice provided in court proceedings. (Amendment printed SJ 02/02/06)

Rep. Dokmo moved that the House concur and spoke in favor.

Adopted.

HB 413, relative to the appointment of the chief justice of the superior court and the number of superior court associate justices. (Amendment printed SJ 02/02/06)

Rep. Dokmo moved that the House concur.

Rep. James Wheeler spoke in favor.

Adopted.

HB 460-FN, relative to the reimbursement to certain providers by the bureau of emergency communications. (Amendment printed SJ 01/18/06)

Rep. Ross moved that the House concur and spoke in favor.

Adopted.

HB 582, relative to the policy for records management. (Amendment printed SJ 01/18/06)

Rep. Bergin moved that the House nonconcur and request a Committee of Conference.

Rep. Dalrymple spoke in favor.

Adopted.

The Speaker appointed Reps. Pilotte, Fitzgerald, Millham and Irwin.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Weyler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

SB 396, repealing the rulemaking authority of the New Hampshire children's trust fund board. **OUGHT TO PASS.**

Rep. Karen K. McRae for Children and Family Law: This bill was brought by the legislative members of the New Hampshire Children's Trust Fund. By-laws and guidelines have covered the criteria enumerated under RSA 169-C:39-h, rule-making authority. Thus, rulemaking authority is no longer needed. Vote 10-1.

SB 251, relative to the enforcement authority of the division of safety services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John E. Tholl for Criminal Justice and Public Safety: The bill extends the authority of Marine Patrol Officers to islands or the mainland contiguous to inland or coastal waters in the absence of any Law Enforcement Agency with jurisdiction immediately available when immediate action is required. It clarifies the definition of the water where the Marine Patrol has jurisdiction and allows the enforcement of Title XXI violations pertaining to boats and watercraft (DWI). Vote 13-0.

Amendment (1520h)

Amend RSA 270:12-a, I(e) as inserted by section I of the bill by replacing it with the following:

(e) Any crime or offense, excluding a violation of title XVIII or a violation of title XXI not involving a boat or watercraft, that occurs on an island or on the mainland contiguous to inland or coastal bodies of water in the absence of any law enforcement agency with jurisdiction immediately available when immediate action is required; and

SB 256, relative to the definition of "harm" for purposes of the crime of improper influence. **OUGHT TO PASS.**

Rep. John E. Tholl for Criminal Justice and Public Safety: The bill amends the definition of harm to include injury to person or property of pecuniary interest and makes it clear that harm does not include the exercise of any conduct protected under the First Amendment. Vote 13-0.

SB 379-FN, relative to harm or threats to certain government officials. **OUGHT TO PASS.**

Rep. John E. Tholl for Criminal Justice and Public Safety: The bill amends NH RSA 631 by inserting a new paragraph that provides for penalties for causing bodily injury or committing another crime against certain government officials with a purpose to influence such official action or in retaliation for an action taken. It further includes penalties for threatening the officials or their families for the purpose of influencing an official's action or retaliation for such action. Vote 12-1.

SB 350-FN, relative to boarding kennels. **INEXPEDIENT TO LEGISLATE.**

Rep. Ronald J. Nowe for Executive Departments and Administration: The committee heard testimony from many that this bill was not needed. The committee could not find that anything was broken; therefore, there was nothing to fix. No sponsor came in support of the bill. Vote 13-0.

SB 289-FN, relative to the brain and spinal cord advisory council. **OUGHT TO PASS.**

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: This bill reorganizes the New Hampshire Brain and Spinal Cord Injuries Advisory Council. This was done at the request of the Spinal Cord Injury Association and the Brain Injury Association of New Hampshire. The advisory council will include two members of each of those organizations. The council will also

include members from the professional community, survivors and family members. It will also include a member of the House of Representatives and the senate. In addition, it will include a vocational rehabilitation instructor and an educator. Several other ex officio members will be non-voting members of the council. The council will operate under broad legislative mandates, including consideration of establishing a brain and spinal cord injury trust fund. The committee voted unanimously to support the ongoing work of this important council. Vote 14-0.

SB 296-FN, relative to recovery of public assistance. **OUGHT TO PASS.**

Rep. Joan H. Schulze for Health, Human Services and Elderly Affairs: The state has the option, with this bill, to take a partial recovery for Medicaid when it is in the best interest of all parties to expedite the recovery process and to avoid litigation. Vote 14-0.

SB 349, relative to the HIV/AIDS service delivery system. **OUGHT TO PASS.**

Rep. Hilda W. Sokol for Health, Human Services and Elderly Affairs: This bill requires the Health and Human Services Oversight Committee to add to its responsibilities the monitoring of the recommendation proposed by the committee to study the HIV/AIDS services delivery and to determine whether such recommendations have been implemented. The study should include the efficacy of selected programs, target populations, program costs and participation, as well as monitoring the on-going medical modernization plan. Vote 14-0.

SB 274, adding court security to the duties of the New Hampshire court accreditation commission. **OUGHT TO PASS.**

Rep. Gregory M. Sorg for Judiciary: This bill adds the single word "security" to RSA 490:5-C, the statute that sets out the authority of the New Hampshire Court accreditation commission to prescribe minimum standards for all court facilities in the state. The committee concluded that it is logical that so vital a concern as courthouse and courtroom security should be included in matters under the purview of the commission. Vote 13-0.

SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Ryan for Ways and Means: This bill, as amended, removes the possibility of real estate taxes being imposed upon transfers between charitable organizations occasioned by recent policy directives requiring consolidation of area agencies. The bill has been carefully crafted to have minimal effect on revenues and enjoys the support of the DRA, who assisted in preparing the bill. Vote 16-0.

Amendment (1528h)

Amend RSA 78-B:2, XIX as inserted by section 1 of the bill by replacing it with the following:

XIX. To a transfer of title pursuant to a merger, consolidation, or reorganization of 2 or more organizations, each of which is exempt from federal income taxation under section 501(c)(3) or section 501(c)(2) of the United States Internal Revenue Code of 1986, as amended, where all such organizations have certified in advance of the transaction to the satisfaction of the commissioner of the department of revenue administration that, over the 3 fiscal years preceding the transfer, on average, a majority of their collective program service revenues received from third parties have been received from federal, state, and/or local governmental sources.

REGULAR CALENDAR

SB 400-FN, relative to highway welcome signs. **OUGHT TO PASS.**

Rep. Brenda L. Ferland for Transportation: State highway signs should have the state motto "Live Free or Die" on them. All 24 Senators were in agreement on this bill, the House Transportation Committee concurs. Vote 10-0.

Rep. Ferland yielded to questions.

Committee report adopted.

Referred to the committee on Finance.

RESOLUTION

Rep. Weyler offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 12, 2006 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HR 23, memorializing State Representative Robert R. Barker of Campton.

SB 396, repealing the rulemaking authority of the New Hampshire children's trust fund board.

SB 251, relative to the enforcement authority of the division of safety services.

SB 256, relative to the definition of "harm" for purposes of the crime of improper influence.

SB 379-FN, relative to harm or threats to certain government officials.

SB 289-FN, relative to the brain and spinal cord advisory council.

SB 296-FN, relative to recovery of public assistance.

SB 349, relative to the HIV/AIDS service delivery system.

SB 274, adding court security to the duties of the New Hampshire court accreditation commission.

SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax.

UNANIMOUS CONSENT

Reps. Irwin, Kurk and Stone addressed the House.

Rep. Craig moved that the remarks made by Rep. Irwin be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Irwin: Good morning. Isn't it nice for it still to be morning? I have the very good luck to sit between the oldest woman in the House and the youngest woman in the House. Both of them are very unique, but the one I'd like to talk to you about today is my friend, Angeline Kopka. You know how sometimes, quite by chance, someone just happens to touch your heart and that's the case with Angie.

There are three things I'd like to mention to you about Angie. One is that Angie has an extraordinary sense of grace in the very purest way. Like all of us she has been tossed by life a little bit, but she always seems to feel that it will come out right and grace will see us through. The second thing I'd like to say is Angie has the gift of joy. She really gets a kick out of life. She gets a kick out of us. She enjoys being here. She's interested in what's happening. She wants to learn and she's always very pleased with us. Though she has been known to say, "So what is he talking about now?" And the third thing is that Angie frequently has chocolate and she shares. So to celebrate Angie's nine (9) decades on this planet, I have 90, more or less, pieces of chocolate. Blessings Angie, Happy Birthday, and please, all, her birthday is actually next week, but let's make it a real celebration. How many of us can sing, "Happy Birthday, dear Angie." Thank you, Mr. Speaker

Rep. Craig moved that the remarks made by Rep. Stone be printed in the Permanent Journal. The Speaker so ordered.

REMARKS

Rep. Stone: Thank you, Mr. Speaker. I wasn't going to speak but I think this will be the last time I'll have this opportunity to address this great House regarding an event that occurred back on last Saturday, April 1st. Those who know me know what I'm probably going to speak about. The last battle before V-J Day was declared back in 1945 occurred on the island of Okinawa. Here in this body we have several men who were there and each year when I speak, I tried to have them stand so that they may be recognized.

The island of Okinawa, as I said before, was a small island. We had many times heard from our most wonderful representative from New London who spoke about the battle of Saipan and a bloody battle that it was.

The most savage battle that took place in the Pacific was the island of Okinawa. This battle started on April 1st, April's Fools Day, and didn't end until September. During that period of time there were about 26,000 Americans killed, wounded or missing, 90,000 Japanese were killed and 150,000 Okinawans lost their lives.

The United States Navy took a terrific loss. They had over 254 ships that were either sunk or damaged. In our group here today, we have a person who was a member of the United States Navy. He was a combat pilot who flew off a carrier. Rep. Rosen had two or three strikes on the island of Okinawa to help us, the ground troops. Also in the Navy, was John Flanders who served during the battle of Okinawa.

Ladies and gentlemen, I would like to have you give them a sound round of applause for all those who participated.

Thank you very much, Mr. Speaker, for allowing me this chance to speak.

RECESS MOTION

Rep. Weyler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
Adopted.

The House recessed at 11:10 a.m.

RECESS

(Rep. Buxton in the Chair)

SENATE MESSAGES**CONCURRENCE**

HB 254-FN, establishing lifetime licenses for bow and arrow, muzzle loading firearm, and cross-bow licenses.

HB 657-FN-L, relative to promoting community revitalization.

HB 1125, relative to the filing period for candidates at the presidential primary.

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances.

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment.

HB 1154-FN, relative to eligibility for special number plates for veterans.

HB 1179, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission.

HB 1185, relative to Volunteer NH.

HB 1188, relative to notice before entry into a condominium unit.

HB 1217, requiring the secretary of state to publish certain information on campaign contributions.

HB 1222-FN, relative to unlawful voting.

HB 1362, relative to permitting audio and video recording on school buses.

HB 1418-FN, relative to road toll refunds.

HB 1455-FN-A, relative to the disposal of video display devices.

HB 1484, relative to including motorcycle and tractor-trailer safety in driver education courses.

HB 1487, relative to marriage licenses.

HB 1497-L, relative to certification by a superintendent regarding statistical reports.

HB 1498, establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.

HB 1517-FN, relative to membership on the board of medicine and the medical review subcommittee.

HB 1579, relative to membership of the air resources council.

HB 1609-FN, requiring a pilot project to estimate future water needs and availability.

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system.

HB 1636-FN, relative to appeals from class A misdemeanor sentences imposed by the district courts.

HB 1646-FN, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear.

HB 1663-FN-L, relative to the licensing fee for motor vehicle recycling yards.

HB 1715-FN, relative to funding of the professional assistance program of dentists.

HB 1765-FN-A-L, relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.

INTERIM STUDY

HB 713-FN, relative to a process for the request and disclosure of social security numbers.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Wednesday, April 12, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend David P. Jones, Rector of St Paul's Episcopal Church in Concord.

Lord of races and tribes and nationalities and families: bind together the diverse threads of this group of men and women and weave them through their work this day into a tartan of complex and brave beauty, that all of us may wear proudly the legislative fabric they craft for us in these days. Amen.

Rep. Duncan D. Chaplin, member from Strafford, led the Pledge of Allegiance.

The National Anthem was sung by Katie Siggins, a junior from White Mountain High School in Whitefield.

LEAVES OF ABSENCE

Reps. Chabot, Gibson, Hunter, Klose, Kobel, Robert L'Heureux, Putnam and Snyder, the day, illness. Reps. Barry, Carter, Ginsburg, Grassie, Greco, Hollinger, Infantine, Jean, King, Messier, Moran, Palazzo, Pilliod and Serlin, the day, important business.

Reps. Bishop and MaryAnn Blanchard, the day, illness in the family.

INTRODUCTION OF GUESTS

Dennis and Barbara Siggins, parents of the singer, guests of the House. Nancy and Lee Carver, guests of Rep. Rosenwald. Khoa and Lam Nguyen, guests of Rep. Hughes. Anita Hinkle and Edna Cheevers, wife and guest of Rep. Hinkle. Katya Sullivan, Robert and Tanya Williams, wife and guests of Rep. Peter Sullivan. Ian Paul Donahue, nephew of Rep. Irish. Paula Lacroix, Alma Dean, Melinda Cole, Melanie Shokal, Emma Merrow, Terise Cole, Samantha, Eric and Sarah Escobar, guests of the New Hampshire Order of Women Legislators. Hon. David Vachon, former member, guest of the House. David Bruce of the St. Andrew's Society of New Hampshire, guest of the House. Students from New Hampshire Boys and Girls Clubs who were selected as Youths of the Year, Erica Lubitz-Souhegan Valley, Caleigh Ricker-Salem, Desiree Pearson-Greater Nashua, Alysia Smith-Greater Derry and Barnaba Madol-Manchester, guests of the House. The 4th grade class from Hinsdale Elementary School, guests of the Hinsdale delegation.

Adam Carver, Londonderry High School student, Page for the Day.

INTRODUCTION OF A SPECIAL GUEST

Rep. Karen McRae, President of the Order of Women Legislators introduced Michelle Escobar from Rumney, the recipient of the 2006 New Hampshire OWLS Scholarship.

TARTAN DAY PROGRAM

Rep. John Hunt introduced special guests, Mrs. Ellen Avery, widow of Rep. Stephen Bodie Avery and David Bruce, Chief Convener of the St. Andrews' Society of New Hampshire. Additional guests were Ross Trecartin, Pat Good, Patricia Edwards-Colpitts, Laurie Garbacz, Mark and Thomas McLeod, Alice Holmes, Richard Badeer, Lois Meredith, Lysle Grant, Donald Younag, Jim Ramsay, Janet Copestakes, Jacqueliine, and Mathias Alman, Annette, Zip and Carol Zamarchi, Ruth Marcel and Sharri Mitchell.

Special guests who performed for the House in honor of New Hampshire Tartan Day were Pipers Lezlie Webster, Elliot Smith and Campbell Webster. Highland Dancers from the New Hampshire School of Scottish Arts included Sarah, Ariana, and Colleen Dudley, Fiona Barker, Samantha Allen, Lorna Mitchell, Hanna Marcel, Mary Beth Mackay, Madison Bergethon, Marielle Webster, Campbell Webster, Laura Zbelick, Ariadna Mcleod and Mharie Holmes, Colleen Colpitts, Rachel Matheson, Katie, Samantha, and Eli Alman.

Piper Lezlie Webber piped "Flowers of the Forest" in memory of Rep. Robert R. Barker.

Rep. Rowe offered a Scottish prayer and Piper Campbell Webster piped "Amazing Grace."

SENATE MESSAGE

REQUEST CONCURRENCE WITH AMENDMENT

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code. (Amendment printed SJ 03/16/06)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 323, establishing a legislative youth advisory council, removed by Rep. McRae.

SB 370-FN, relative to multidisciplinary child protection teams, removed by Rep. McRae.

SB 382, relative to the guardian ad litem board, removed by Rep. McRae.

Consent Calendar adopted.

SB 395, relative to the number of children in a licensed foster home. **OUGHT TO PASS.**

Rep. Barbara Hull Richardson for Children and Family Law: This bill allows foster families to exceed the limit of six youngsters (including children living in the home and children received for foster care) when the Department of Health and Human Services concludes that the foster family is able to provide for the safety, permanency, and well-being of the child or children. Vote 13-0.

SB 283-FN, relative to stop loss insurance. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce: This bill is at the request of the Insurance Department. It establishes law governing stop loss insurance and provides minimum criteria for such insurance. It also prohibits stop loss insurers from providing direct coverage of health care expenses of an individual, thereby eliminating the possible undermining of our community rating system. Vote 15-0.

Amendment (1553h)

Amend RSA 415-H:4 and 415-H:5 as inserted by section 1 of the bill by replacing them with the following:

415-H:4 Actuarial Certification. An insurer shall file with the commissioner annually on or before March 15, an actuarial certification certifying that the insurer is in compliance with this chapter. The certification shall be in a form and manner, and shall contain information, specified by the commissioner. A copy of the certification shall be retained by the insurer at its principal place of business.

415-H:5 Rulemaking. The commissioner may adopt rules in accordance with RSA 541-A that carry out the requirements of this chapter and prescribe additional standards for stop loss insurance policies.

SB 295-FN, relative to registration of business entities. **OUGHT TO PASS.**

Rep. Kathleen N. Taylor for Commerce: This bill relates to the registration and dissolution of certain business entities. Also, fees were adjusted to properly cover the costs incurred by the Secretary of State in the registration of corporations. Vote 15-0.

Referred to the committee on Ways and Means.

SB 330, relative to outdoor advertising. **INEXPEDIENT TO LEGISLATE.**

Rep. Tara G. Reardon for Commerce: This bill sought to affirmatively allow advertising or "banners" erected by municipalities. Several municipalities currently erect historical or informational banners on either municipal-owned or, with permission, on utility-owned poles. These banners sometimes contain the names of businesses, individuals or organizations that have paid for the banner. There are currently no penalties in the law and the committee felt the legislation is not necessary. Vote 14-1.

SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability. **OUGHT TO PASS.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill provides for enhanced penalties for offenses against senior citizens and individuals with disabilities when the perpetrator intended to take advantage of the victim's ability to manage his or her property or interests. This legislation sends a clear message that New Hampshire will deal harshly with those who attempt to prey on our vulnerable neighbors. Vote 19-0.

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill addresses concerns raised by the New Hampshire Supreme Court in the Kidder decision. That decision placed severe restrictions on the ability of attorneys to contact pro se opposing parties in cases involving domestic violence protective orders. This bill establishes clear ground rules for contact in these situations, which will encourage communication and resolution of such cases. By addressing the concerns of domestic violence advocates, the law enforcement community and the defense bar, this bill provides a sensible solution to a pressing problem. Vote 16-3.

Amendment (1596h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Protection of Persons from Domestic Violence; Permissible Contact. Amend RSA 173 by inserting after section 5 the following new section:

173-B:5-a Permissible Contact.

I. A protective order issued pursuant to RSA 173-B:4 or RSA 173B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

II. A no-contact provision in a protective order issued pursuant to RSA 173-B:4 or RSA 173-B:5 shall not be construed to:

- (a) Prevent contact between counsel for represented parties; or
- (b) Prevent a party from appearing at a scheduled court or administrative hearing; or
- (c) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any legal pleadings filed in court relating to the domestic violence petition or related civil or criminal matters.

III. A violation of this section may result in a finding of contempt of court.

2 New Paragraph; Stalking; Permissible Contact. Amend RSA 633:3-a by inserting after paragraph III-c the following new paragraph:

III-d.(a) A protective order issued pursuant to this section, RSA 173-B:4, or RSA 173-B:5 shall not be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in an action brought under this chapter, or in any criminal proceeding concerning the abuse alleged under this chapter, from contacting the plaintiff for a legitimate purpose within the scope of the civil or criminal proceeding; provided, that the attorney or person acting on behalf of the attorney: identifies himself or herself as a representative of the defendant; acknowledges the existence of the protective order and informs the plaintiff that he or she has no obligation to speak; terminates contact with the plaintiff if the plaintiff expresses an unwillingness to talk; and ensures that any personal contact with the plaintiff occurs outside of the defendant's presence, unless the court has modified the protective order to permit such contact.

(b) A no-contact provision in a protective order issued pursuant to this section shall not be construed to:

- (1) Prevent contact between counsel for represented parties; or
- (2) Prevent a party from appearing at a scheduled court or administrative hearing; or
- (3) Prevent a defendant or defendant's counsel from sending the plaintiff copies of any legal pleadings filed in court relating to the domestic violence petition or related civil or criminal matters.

(c) A violation of this paragraph may result in a finding of contempt of court.

3 New Paragraph; Bail and Recognizances. Amend RSA 597:2 by inserting after paragraph III-a the following new paragraph:

III-b. A no-contact provision contained in any bail order shall not be construed to:

- (a) Prevent counsel for the defendant to have contact with counsel for any of the individuals protected by such provision; or

(b) Prevent the parties, if the defendant and one of the protected individuals are parties in a domestic violence or marital matter, from attending court hearings scheduled in such matters or exchanging copies of legal pleadings filed in court in such matters.

4 Protection from Domestic Violence; Relief. Amend RSA 173-B:5, VII to read as follows:

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: "A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment." Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint *or a petition for contempt* if there is a violation of any court order.

5 Effective Date. This act shall take effect 60 days after its passage.

SB 333, relative to inquiries of DWI defendants regarding establishments serving alcohol to the defendants. **INEXPEDIENT TO LEGISLATE.**

Rep. Stanley E. Stevens for Criminal Justice and Public Safety: It was the unanimous position of this committee that this bill places the judge in a difficult position of requiring testimony from a defendant that has no bearing on the sentencing portion of the proceeding. Further, police departments usually obtain this information as part of their normal arrest process. Further, requiring the judge to obtain information gives an appearance of impropriety, because it is done before sentencing. Vote 17-0.

SB 407-FN-A, relative to enforcement of labor statutes under current federal immigration laws. **REFER FOR INTERIM STUDY.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: The committee recognizes that the current system of immigration regulations is confusing and outmoded, and is in dire need of reform. The bill, as written, is poorly crafted and potentially counterproductive. However, the committee recommends that the bill be sent to interim study. With major changes in Federal Immigration Law currently pending before Congress, this study committee will provide a proper forum for addressing possible changes in state law that may be necessitated by congressional action. Vote 13-6.

SB 200-FN, establishing the uniform athlete agents act. **OUGHT TO PASS.**

Rep. James M. Fitzgerald for Executive Departments and Administration: This bill was brought forward at the request of the university system and will benefit the student-athletes as well as the colleges and universities of our state. The "uniform Athlete Agents Act" was developed by the National Conference of Commissioners in 2000 at the request of the National Collegiate Athletic Association (NCAA) to establish a model state law governing the relationships between athlete agents, student-athletes and academic institutions that provides for uniform registration, certification and background checks on sports agents. Since that time, over 35 states have adopted the uniform policies and a number of others are in the process of doing so. The purpose of this legislation is to establish uniform standards from state to state that protect student athletes and academic institutions from unprincipled sports agents. The majority of athlete agents are hard-working and honest people who provide a valuable service to their clients; however, there are some who are unprincipled and predatory. These unscrupulous agents often will manipulate and take advantage of their young clients and the institutions for which they play. The consequences of such behavior can be extremely damaging to the student-athlete, the academic institution and to amateur athletics in general. Vote 12-2.

Referred to the committee on Ways and Means.

SB 264, relative to the chief financial officer of the department of environmental services. **INEXPEDIENT TO LEGISLATE.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have changed the title of the chief operating officer in the Department of Environmental Services to chief financial officer and left it in pay grade GG. The committee feels that because of the change in duties assigned to the position that the position should be submitted to the Hay Commission, so that the appropriate pay grade can be established. The Hay Commission was established to come up with a salary classification for all state employees based upon their job description and responsibility. After receiving the pay grade, we will be happy to enact this change. Vote 14-0.

SB 339, changing certain job titles and responsibilities in the department of transportation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill would have changed the titles and job descriptions for positions in the Department of Transportation and the Department of Revenue Administration. The committee feels that because of the change in duties assigned

to the positions that the positions should be submitted to the Hay Group so that the appropriate pay grade can be established. The Hay Group study was established to come up with a salary classification for all unclassified state employees, based upon their job description and responsibility. After receiving the pay grade, we will be happy to enact these changes. We left in the bill the ability to hire three financial consultants in the Department of Transportation. Vote 14-0.

Amendment (1682h)

Amend the title of the bill by replacing it with the following:

AN ACT permitting the department of transportation to hire consultants.

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Transportation; Consultants. The department of transportation may hire up to 3 financial consultants, each of whom shall be paid from highway funds not otherwise expended an amount not to exceed \$70,000 per year for a period of not more than 2 years. The consultant shall work with the department on such matters as may be recommended by the commissioner, or designee, of the department of transportation.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits the department of transportation to hire up to 3 financial consultants for a 2-year period.

Referred to the committee on Finance.

SB 328, relative to the regulation of snowmobiles and off highway recreational vehicles. **OUGHT TO PASS.**

Rep. Howard C. Dickinson for Fish and Game: This bill was filed at the request of the New Hampshire Fish and Game Department and the New Hampshire Snowmobile Association to make technical changes to clarify SB 226, Chapter 210, Laws of 2005. Furthermore, it adds new language to RSA 215-C, which requires all snowmobiles and OHRVs to stop at all trail stop signs, not only those placed at the intersection of trails and public ways. Vote 9-0.

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen J. Shurtleff for Judiciary: This bill simply adds "District Court, and the Judicial Branch Family Division," which provides for more uniformity among the courts in establishing rules and regulations and prescribed forms. Furthermore, the bill deletes references in NH RSAs to Municipal Courts, which were replaced by the District Courts several decades ago. Vote 13-0.

Amendment (1576h)

Amend RSA 604-A:7 as inserted by section 2 of the bill by replacing it with the following:

604-A:7 Rules and Regulations. The supreme court [~~and the~~], superior court, *district court*, and *the judicial branch family division* shall each have the authority to establish such rules and regulations and prescribe such forms as may be deemed necessary or advisable for the performance of their respective duties hereunder [~~and the administrative committee of the district and municipal courts shall have like authority to establish rules and regulations and prescribe forms for the district and municipal courts~~].

SB 332, making technical corrections to the uniform trust code and related statutes. **OUGHT TO PASS.**

Rep. John B. Hunt for Judiciary: The Uniform Trust Code which passed several years ago was a very complex bill. This bill is this year's technical correction to the trust code. The majority of the changes clarify the role of the probate court. Vote 13-0.

SB 178, designating a certain highway the Gold Star Mothers Highway. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace C. W. Bouchard for Public Works and Highways: The committee voted unanimously to honor Gold Star Mothers by naming the Hillsborough by-pass, from the junction of New Hampshire Route 9 and Henniker Street in Hillsborough to the Antrim town line, the Gold Star Mothers Highway. Gold Star mothers have sons and daughters who served and died in the line of duty in the armed forces of the United States of America and its allies. The amendment added the standard language for cost of design, construction, maintenance and installation of the sign to not be charged to the state. Vote 13-0.

Amendment (1559h)

Amend the bill by replacing section 2 with the following:

2 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers resulting from this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers required under this act shall be approved by the department of transportation.

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John R. Cloutier for Public Works and Highways: The bill, as amended, simply changes Section 2 of the bill to read that the Main Street bridge crossing the Mascoma River in Enfield shall be named the Enfield Women's Memorial Bridge. The committee received a letter from the Enfield Selectboard stating that they had no objection to the change, provided that the bridge name honors the women of Enfield. Vote 13-0.

Amendment (1552h)

Amend the title of the bill by replacing it with the following:

AN ACT renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

Amend the bill by replacing section 2 with the following:

2 Enfield Women's Memorial Bridge. Pursuant to RSA 4:43, the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River is hereby named the Enfield Women's Memorial Bridge.

AMENDED ANALYSIS

This bill renames the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge.

This bill also names the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

SB 344, establishing a committee to study state benefit programs for national guard members. **OUGHT TO PASS.**

Rep. James E. Twombly for State-Federal Relations and Veterans Affairs: This bill would establish a committee to study state benefit programs for National Guard members. As no time in the history of the National Guard have the members of the Guard been utilized like they are being utilized today, especially in the War on Terror. When a guardsman is called to serve, the pay, compensation and benefits afforded to the guardsman depends upon who is activating the member. If the individual is activated under Federal Statute, they are afforded one benefit, if they are activated by the Governor, they would get another. This committee will take a look at how NH Guardsmen are treated in comparison with Guardsmen from other states. Vote 11-0.

SJR 4, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel. **OUGHT TO PASS.**

Rep. Pamela D. Coughlin for State-Federal Relations and Veterans Affairs: The committee believes the status Missing/Captured fails to provide this nation's service members the moral dignity and international recognition provided by the Prisoner of War status. The committee realizes that our enemies violate the rules of international law and the Geneva Conventions regarding the care and treatment of captured American Service Personnel. Reinstating the designation of Prisoner of War strengthens that claim as shown by the repatriation of prisoners throughout our nation's history. Vote 11-0.

REGULAR CALENDAR

SB 131-FN, establishing a school choice certificate program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. W. Packy Campbell for the Majority of Education: This bill establishes a non-profit corporation to facilitate private donations for the purpose of providing low-income children with the

opportunity to go to school outside of an assigned school district. The bill provides \$500,000 dollars in available tax credits to businesses and individuals that donate to the corporation. The corporation is established similarly to the Healthy Kids Corporation. The House was concerned with the \$2 million dollar Senate appropriation; therefore, the committee lowered that appropriation to \$1.00 of state money, keeping the bill viable by avoiding conflicts with education dollars being spent outside the public education model. Vote 13-8.

Rep. J. Timothy Dunn for the Minority of Education: This bill, as amended by the House Education Committee, is a voucher bill with another name. The minority thinks that there will be a fiscal impact on state funds. Additionally, the minority thinks that this version is unconstitutional. This bill has a negative impact on our efforts to offer equal opportunities to all children.

Majority Amendment (1630h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; 21st Century Scholars Program. Amend RSA by inserting after chapter 193H the following new chapter:

CHAPTER 193-I

21st CENTURY SCHOLARS PROGRAM

193-I:1 Definitions. In this chapter:

I. "Board" means the 21st century scholars fund board.
 II. "Department" means the department of revenue administration.
 III. "Educational scholarships" means grants to pupils to cover all or part of the tuition and fees at a private qualified school or all or part of the tuition and fees at a public school outside the school district in which a pupil resides.

IV. "Eligible pupil" means any pupil who is legally allowed to attend a public school in kindergarten through grade 12 and whose family income does not exceed 250 percent of the federal poverty income level.

V. "Parent" includes a guardian, custodian, or other person with authority to act on behalf of the child.

VI. "Program" means the 21st century scholars program.

VII. "Qualified school" means a public or nonpublic school in our state that complies with all of the requirements of the program.

VIII. "21st century scholars fund" or "fund" means an entity that is determined by the Internal Revenue Service to be a tax exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code, as that section now exists or may hereafter be amended, established by the state to collect and administer funds that are to be used for the purpose of providing and managing the delivery of scholarships to eligible pupils.

193-I:2 Corporation Established. There is hereby established a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the 21st century scholars fund corporation to carry out the provisions of this chapter. The corporation shall be a public instrumentality which shall perform public and essential governmental functions of the state as provided in this chapter. The corporation shall be a private nonprofit corporation and shall have all the powers necessary to carry out the purposes of this chapter, including, but not limited to, the power to receive and accept grants, loans, or advances of funds from any public or private agency and to receive and accept from any source, contributions of money, property, labor, or any other thing of value, to be held, used, and applied for the purposes of this chapter.

193-I:3 21st Century Scholars Fund Corporation; Board; Powers; Duties.

I. The powers of the corporation shall be vested in 12 members for 3-year terms of office as follows:

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Two public members, appointed by the president of the senate.
- (d) Two public members, appointed by the speaker of the house of representatives.
- (e) Five public members, appointed by the governor, of which:
 - (1) Two shall represent the business community.
 - (2) Two shall represent the private school community.
 - (3) One shall be an at-large member.
- (f) The commissioner of the department of education, or designee.

II. The initial terms of office shall be as follows: the member in subparagraph I(e)(3) shall serve for one year; the member in subparagraph I(e)(1) shall serve for 2 years; and the members in subparagraphs I(c), I(d) and I(e)(2) shall serve for 3 years. The members in subparagraphs I(a)-(b) shall serve terms which are coterminous with their terms in office.

III. The members shall elect annually from among their number a chairperson and such officers as they may determine. A member shall hold office until a successor has been appointed and qualified. Members shall receive no salary for the performance of their duties under this chapter, but each member shall be reimbursed for reasonable expenses incurred in carrying out duties under this chapter. Any such expenses by board members shall have prior approval by 6 members of the board of directors before reimbursement. Legislative members shall receive mileage at the legislative rate when attending to the duties of the board. A member of the board of directors may be removed for cause by the official who appointed that member.

IV. There shall be no liability on the part of, and no cause of action shall arise against, any member of the board, or its employees or agents, for any action taken in the performance of their powers and duties under this chapter.

V. The board shall have complete fiscal control over the corporation and shall be responsible for all corporate operations.

VI. Board meetings shall be held at the call of the chairperson or when 3 members so request. Six members of the board shall constitute a quorum and the affirmative vote of 6 members shall be necessary for any action taken by the authority. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the corporation.

VII. The 21st century scholars fund corporation board shall:

(a) Notify the department of education of the board's intent to provide educational scholarships to pupils attending qualified schools, and which public school districts those pupils reside in.

(b) Provide a receipt for contributions to the organization by an individual taxpayer or corporate taxpayer for support of educational scholarships to the department of revenue administration and the taxpayer.

(c) Create and provide to the public a procedure for applying to the program.

(d) Consult appropriate professional organizations and establish standards providing educational scholarships.

(e) Develop and implement a plan to publicize the program and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

(f) Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state funds appropriated by the legislature and such other private or public funds as become available. The board shall determine the number of staff members necessary to administer the corporation.

(g) Ensure that at least 90 percent of its expenditures are for educational scholarships.

(h) Require applicants to provide a tax return, proof of current residence in New Hampshire, and proof that the pupil was continuously enrolled in a public school during the prior school year.

(i) Make every effort to make the program easily accessible and usable by the public.

(j) Inform parents of educational scholarship recipients of their acceptance into the program no later than 30 days after receiving the application.

(k) Ensure that first-time recipients of educational scholarships were continuously enrolled in a public school during the previous year.

(l) In the case of oversubscription to the program, conduct a random selection from scholarship applicants to determine who shall receive an educational scholarship.

(m) Provide scholarships for pupils in the following manner:

(1) \$3,500 for families that have a family income of 200 percent or less of the federal poverty income level upon the initial application to the program.

(2) \$2,500 for families that have a family income between 201 percent and 250 percent of the federal poverty income level upon initial application to the program.

(n) Ensure that once a pupil receives a scholarship, the pupil is offered a scholarship in any future years, until he or she reaches the age of 21 and provided that he or she meets other necessary requirements for eligible pupils.

(o) Ensure that educational scholarship payments are made out to the parents of the pupil and sent to the qualifying school of choice for endorsement by the parent to the school.

(p) Conduct criminal background checks on all employees of the corporation, and shall exclude from employment any people that might reasonably pose a threat to the safety of children or a risk to the appropriate use of contributed funds.

(q) Ensure that pupils receiving an educational scholarship take either the state tests or nationally recognized norm-referenced tests in math and language arts, or both, and ensure that the pupils' scores are provided to their parents.

VIII. The program shall not provide educational scholarships for pupils to attend any school with paid staff or board members, or relatives thereof, in common with the staff members of the fund.

IX. Provide an annual report, the first on or before January 1, 2007, to the governor, senate president, speaker of the house of representatives, and commissioner of the department of education on the development of the program. This report shall include information prepared by a certified public accountant regarding grants made in the previous calendar year and shall include:

(a) The total number and total dollar amount of contributions received during the previous calendar year; and

(b) The total number and total dollar amount of educational scholarships awarded during the previous calendar year, the total number and total dollar amount of educational scholarships awarded during the previous year to pupils who are in families that are in each subgroup of qualifying income for the federal poverty income level; and

(c) A detailed listing of administrative and marketing expenses.

193-I:4 Responsibilities of the Parents.

I. In the first year of the program, parents shall apply for scholarships for their eligible pupils by August 31, 2006. In subsequent years, parents shall apply for scholarships for their eligible pupils by July 31.

II. Parents shall provide a copy of their income tax return, along with any application materials required by the program.

193-I:5 Responsibilities of the Department of Revenue Administration.

I. The department shall provide a standardized format for a receipt to be issued by the fund to a taxpayer to indicate the value of a contribution received. The department shall require a taxpayer to provide a copy of this receipt when claiming the tax credit for contributions to the fund.

II. The department shall have the authority to conduct either a financial review or audit of the fund if possessing evidence of fraud.

III. The department shall develop a process to make tax credits available for contributions on a first come, first serve basis.

IV. The department shall report to the state treasurer's office by June 30 of each year the amount of dollars raised from private sources and request that treasurer issue a check to the fund in the amount mandated by this chapter by August 1 of each year.

193-I:6 Responsibilities of Qualified Schools.

I. All qualified schools shall:

(a) Operate in New Hampshire;

(b) Comply with 42 U.S.C. section 2000d et seq.; and

(c) Be approved by the state of New Hampshire.

II. All nonpublic schools shall have nonprofit status under the Internal Revenue Code in order to be qualified under this chapter.

III. Schools shall not refund or rebate any portion of the scholarship to the parent. Any refund for rebate for any portion of the scholarship shall be made to the fund.

IV. Pupils receiving an educational scholarship from the fund shall take either the statewide education improvement and assessment tests pursuant to RSA 193-C, or a nationally recognized norm-referenced test in math and language arts, or both. Pupils' scores in such tests shall be provided to their parents.

V. No nonpublic school shall apply any funds received under this chapter to the cost of religious classes or other sectarian educational programs or services. The nonpublic school shall return any remaining payment to the pupil's resident school district.

193-I:7 Special Education Services. No pupil shall be considered an out-of-district placement for the purposes of receiving special education services while participating in the program. Participation in the program shall not affect a pupil's eligibility to receive special education services upon such pupil's return to the school district in which he or she resides.

193-I:8 Tax Credits.

I. A credit applied against the interest and dividend tax due under RSA 77 shall be available on a first-come, first-served basis to qualified individuals in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified individuals in a taxable period shall not exceed \$100,000.

II. A credit applied against the business enterprise tax due under RSA 77-E shall be available on a first-come, first-served basis to qualified businesses in an amount equal to the amount of contributions made to the fund during the taxable period. The total amount of the credit for all qualified businesses in a taxable period shall not exceed \$400,000.

2 Appropriation.

I. The sum of \$1 for the fiscal year ending June 30, 2006 is hereby appropriated to the 21st century scholars fund established in this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$1 shall be appropriated to the 21st century scholars fund upon the request of the 21st century scholars fund corporation board, and certification received by the board from the treasurer of the state of New Hampshire, that private contributions to the 21st century scholars fund from individuals or businesses equals or exceeds \$500,000. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 New Section; Taxation of Income; Credit for Contributions to 21st Century Scholars Fund. Amend RSA 77 by inserting after section 4-f the following new section:

77:4-g Adjustments for Contributions to the 21st Century Scholars Fund. A taxpayer who pays the interest and dividend tax pursuant to RSA 77 and is not a dependent of another taxpayer may claim a credit for a contribution made to the 21st century scholars fund established in RSA 193-I:8. An individual, corporation, or non-profit entity who does not file a New Hampshire state tax return may claim a charitable deduction for a contribution made to the fund as may be permitted by law. The credit may be claimed against the interest and dividend tax by an individual taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed. The credit may be claimed by an individual taxpayer or a married couple filing jointly in an amount equal to the total contributions made to the fund for educational scholarships during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's tax liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

4 New Section; Business Enterprise Tax; Adjustments. Amend RSA 77-E by inserting after section 3-a the following new section:

77-E:3-b 21st Century Scholars Fund Credit. Credit for contributions to the 21st century scholars fund as provided in RSA 193-I shall be allowed against tax due under this chapter. The credit may be claimed against the business enterprise tax by a taxpayer in an amount equal to the total contributions made to the fund during the taxable year for which the credit is claimed up to 100 percent of the taxpayer's total liability. Individual or corporate donors may give an unlimited amount in contributions above the dollar amount to which they are entitled a credit, but shall only be entitled to the credit as provided in RSA 193-I:7.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the state to establish and make appropriations to the 21st century scholars fund, a non-profit, public and private partnership that will provide educational scholarships to eligible New Hampshire school children in kindergarten through grade 12 to attend a qualified school.

(Deputy Speaker Weyler in the Chair)

Reps. Rous and Casey spoke against and yielded to questions.

Reps. Hunt, Ward, and W. Packy Campbell spoke in favor and yielded to questions.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 183 NAYS 167**YEAS 183****BELKNAP**

Allen, Janet
Flanders, Donald
Russell, David
Veazey, John

Boyce, Laurie
Heald, Bruce
Thomas, John
Wendelboe, Fran

Clark, Charles
Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Rosen, Ralph
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Patten, Betsey

Babson, David Jr
Martin, James
Philbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Hogancamp, Deborah

Hunt, John

COOS

Lary, Bruce

Morneau, Renney

GRAFTON

Gionet, Edmond
Naro, Debra

Ingretson, Paul
Sorg, Gregory

Maybeck, Margie
Ward, John

Mirski, Paul
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Christiansen, Lars
Desmarais, Vivian
Emerton, Larry
Gonzalez, Carlos
Hansen, Ryan
Hinkle, Peyton
Kurk, Neal
Martin, Mary Ellen
Mooney, Maureen
Price, Pamela
Rowe, Robert
Ulery, Jordan

Allan, Nelson
Biundo, Michael
Buhlman, David
Clark, Mark
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Lawrence, James
McRae, Karen
O'Brien, William
Reeves, Sandra
Ryder, Donald
Velez, Hector

Balboni, Michael
Boehm, Ralph
Carew, James
Coughlin, Pamela
Dyer, Donald
Gargas, Carolyn
Graham, John
Hebert, Raymond
Jasper, Shawn
Lessard, Rudy
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Slocum, Lee
Villeneuve, Maurice

Batula, Peter
Brassard, Paul
Christensen, D L Chris
Crane, Elenore Casey
Elliott, Nancy
Golding, William
Hagan, Barbara
Hellwig, Steve
Judy, Jean
Manney, Pamela
Michon, Stephen
Pepino, Leo
Ross, Lawrence
Souza, Kathleen
Wheeler, James

MERRIMACK

Anderson, Eric
Hess, David
Maxfield, Roy

Currier, David
Kidder, David
Soltani, Tony

Danforth, James
L'Heureux, Stephen

Field, William
Langlais, Thomas

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Camm, Kevin
Dalrymple, Janeen
Dumaine, Dudley
Garrity, James
Headd, James
Itse, Daniel
Langley, Jane

Asselin, Michael
Bridle, Russell
Carson, Sharon
Donahue, Richard Ken
Fesh, Bob
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Lund, Howie

Belanger, Ronald
Buxton, Donald
Charon, Gene
Dowd, John
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
Katsakiores, George
Major, Norman

Bettencourt, David
Cady, Harriet
Coburn, James
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mason, April

McKinney, Betsy
 Nowe, Ronald
 Quandt, Marshall Lee
 Scamman, Stella
 Welch, David
 Zolla, William

McMahon, Charles
 O'Neil, Michael
 Quandt, Matthew
 Stiles, Nancy
 Weldy, Norman

Moore, Benjamin
 Packard, Sherman
 Rolston, James
 Waterhouse, Kevin
 Wells, Roger

Morris, Richard
 Priestley, Anne
 Sanders, Elisabeth
 Weare, E Albert
 Weyler, Kenneth

STRAFFORD

Albert, Russell
 Chaplin, Duncan
 Newton, Clifford

Bickford, David
 Cilley, Jacalyn
 Twombly, James

Campbell, W Packy
 Easson, Timothy

Cataldo, Sam
 Goodwin, Earle

SULLIVAN

Donovan, Thomas

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 167

BELKNAP

Millham, Alida

Morrison, Gail

CARROLL

Buco, Thomas

Knox, J David

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Parkhurst, Henry
 Roberts, Kris

Butcher, Suzanne
 Espieffs, Peter
 Pliifka, Stanley Jr
 Robertson, Timothy

Butynski, William
 Foote, Sheila
 Pratt, John
 Tilton, Anna

Coates, Christopher
 Mitchell, Bonnie
 Richardson, Barbara
 Weed, Charles

COOS

Buzzell, Bernard
 Richardson, Herbert

Mears, Edgar
 Stohl, Eric

Merrick, Scott
 Theberge, Robert

Remick, William
 Tholl, John Jr

GRAFTON

Aguiar, James
 Bleyler, Ruth
 Hammond, Lee
 Nordgren, Sharon

Almy, Susan
 Cooney, Mary
 Harding, A Laurie
 Solomon, Peter

Andersen, Gene
 Eaton, Stephanie
 McLeod, Martha

Benn, Bernard
 Ham, Bonnie
 Mulholland, Catherine

HILLSBOROUGH

Baroody, Benjamin
 Campbell, David
 Cote, Peter
 Egbers, Fran
 Gorman, Mary
 Holden, Randolph
 Lasky, Bette
 O'Connell, Timothy
 Schulze, Joan
 Smith, David
 Vaillancourt, Steve

Beaulieu, Jane
 Chase, Claudia
 Daniuk, Caitlin
 Essex, David
 Haley, Robert
 Irwin, Anne-Marie
 Lefebvre, Roland
 Pilotte, Maurice
 Shattuck, Gilman
 Sullivan, Francis

Bergin, Peter
 Clemons, Jane
 DeVries, Betsi
 Foster, Linda
 Hall, Betty
 Johnson, Paula
 Matarazzo, Anthony Sr
 Rosenwald, Cindy
 Shaw, Barbara
 Sullivan, Peter

Calawa, Leon Jr
 Cote, David
 Dokmo, Cynthia
 Goley, Jeffrey
 Harvey, Suzanne
 Kopka, Angeline
 Movsesian, Lori
 Scanlon, Michael
 Shaw, Kimberly
 Tahir, Saghir

MERRIMACK

Blanchard, Elizabeth
 DeJoie, John
 Gile, Mary
 Lockwood, Priscilla
 Oliver, James
 Reardon, Tara
 Shurtleff, Stephen
 Walz, Mary Beth

Bouchard, Candace
 DeStefano, Stephen
 Hager, Elizabeth
 MacKay, James
 Osborne, Jessie
 Reed, Dennis
 Tilton, Joy
 Whiting, Herbert

Bueggemann, Donald
 Foose, Robert
 Hamm, Christine
 Marple, Richard
 Owen, Derek
 Rush, Deanna
 Tupper, Frank
 Williams, Robert

Clarke, Claire
 French, Barbara
 Kennedy, Richard
 McMahon, Patricia
 Potter, Frances
 Ryan, Jim
 Wallner, Mary Jane
 Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Cooney, Richard	Flockhart, Eileen	Francoeur, Sheila	Gould, Kenneth
Hughes, Daniel	Hutchinson, Karen	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Rausch, James	Robertson, Carl
Robinson, John	Splaine, James	Wiley, Robert	Winchell, George

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Callaghan, Frank	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Miller, Joseph	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the majority committee amendment was adopted.

Rep. Stone did not vote and notified the clerk that he wished to be recorded in favor.

The question now being adoption of the majority committee report.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 186 NAYS 166**YEAS 186****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Pelkey, Stephen	Sawyer, Sheldon		

COOS

Lary, Bruce	Morneau, Renney
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GRAFTON

Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Naro, Debra	Sorg, Gregory	Ward, John	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Buhlman, David	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Francoeur, Bea	Gargas, Carolyn
Golding, William	Gonzalez, Carlos	Goyette, Peter Jr	Graham, John
Hagan, Barbara	Hansen, Ryan	Hawkins, Ken	Hebert, Raymond
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn

Jeady, Jean
Manney, Pamela
Michon, Stephen
Pepino, Leo
Ross, Lawrence
Ulery, Jordan

Kurk, Neal
Martin, Mary Ellen
Mooney, Maureen
Price, Pamela
Rowe, Robert
Velez, Hector

Lawrence, James
McRae, Karen
O'Brien, William
Reeves, Sandra
Slocum, Lee
Villeneuve, Maurice

Lessard, Rudy
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Souza, Kathleen
Wheeler, James

MERRIMACK

Anderson, Eric
Hess, David
MacKay, James

Currier, David
Kidder, David
Maxfield, Roy

Danforth, James
L'Heureux, Stephen
Soltani, Tony

Field, William
Langlais, Thomas

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Camm, Kevin
Dalrymple, Janeen
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Introne, Robert
Katsakiores, Phyllis
Mason, April
Morris, Richard
Priestley, Anne
Sanders, Elisabeth
Weare, E Albert
Weyler, Kenneth

Asselin, Michael
Bridle, Russell
Carson, Sharon
DiFruscia, Anthony
Dumaine, Dudley
Garrity, James
Headd, James
Itse, Daniel
Langley, Jane
McKinney, Betsy
Nowe, Ronald
Quandt, Marshall Lee
Scamman, Stella
Welch, David
Zolla, William

Belanger, Ronald
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Fesh, Bob
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Lund, Howie
McMahon, Charles
O'Neil, Michael
Quandt, Matthew
Stiles, Nancy
Weldy, Norman

Bettencourt, David
Cady, Harriet
Coburn, James
Dowd, John
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
Katsakiores, George
Major, Norman
Moore, Benjamin
Packard, Sherman
Rolston, James
Waterhouse, Kevin
Wells, Roger

STRAFFORD

Albert, Russell
Cataldo, Sam
Goodwin, Earle

Berube, Roger
Chaplin, Duncan
Newton, Clifford

Bickford, David
Cilley, Jacalyn
Twombly, James

Campbell, W Packy
Easson, Timothy

SULLIVAN

Donovan, Thomas

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 166

BELKNAP

Millham, Alida

Morrison, Gail

CARROLL

Buco, Thomas

Knox, J David

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Foote, Sheila
Pratt, John
Tilton, Anna

Coates, Christopher
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Merrick, Scott
Theberge, Robert

Remick, William
Tholl, John Jr

GRAFTON

Aguiar, James
Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

Almy, Susan
Cooney, Mary
Harding, A Laurie
Solomon, Peter

Andersen, Gene
Eaton, Stephanie
McLeod, Martha

Benn, Bernard
Ham, Bonnie
Mulholland, Catherine

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Calawa, Leon Jr
Campbell, David	Carlson, Donald	Chase, Claudia	Clemons, Jane
Cote, David	Cote, Peter	Daniuk, Caitlin	DeVries, Betsi
Egbers, Fran	Essex, David	Foster, Linda	Goley, Jeffrey
Gorman, Mary	Haley, Robert	Hall, Betty	Harvey, Suzanne
Holden, Randolph	Irwin, Anne-Marie	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr	Movsesian, Lori
O'Connell, Timothy	Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Smith, David	Sullivan, Francis	Sullivan, Peter
Tahir, Saghir	Vaillancourt, Steve		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hager, Elizabeth	Hamm, Christine	Kennedy, Richard
Lockwood, Priscilla	Marple, Richard	McMahon, Patricia	Oliver, James
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Whiting, Herbert	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberly
Cooney, Richard	Flockhart, Eileen	Francœur, Sheila	Gould, Kenneth
Hughes, Daniel	Hutchinson, Karen	Moody, Marcia	Norelli, Terie
Pantelakos, Laura	Powers, James	Rausch, James	Robertson, Carl
Robinson, John	Splaine, James	Wiley, Robert	Winchell, George

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Heon, Richard
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Taylor, Katherine	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the majority committee report was adopted.

Rep. Stone did not vote and notified the clerk that he wished to be recorded in favor.

Referred to the committee on Ways and Means.

SB 268, raising the age of required attendance of children in school and establishing a 2-year pilot program for increasing vocational education opportunities in the Manchester and Nashua school districts and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Emma L. Rous for the Majority of Education: This bill raises the age of required school attendance to 18 and creates alternative pathways to graduation, including independent study, internship, community service, work-study, or GED prep. In addition to ongoing programs, which are already lowering the dropout rate, the bill appropriates \$600,000 for pilot programs in Nashua and Manchester, expanding them to multiple other communities. The bill exempts home-schoolers. This bill is in the best interest of our students; it raises expectations and sends an important message that education is crucial to future success. Higher completion rates lower social costs, be-

cause students who drop out earn less money and are more likely to end up on Medicaid or in prison. The bill was supported by the BIA, NH Retail Merchants, the Auto Dealers Association, law enforcement, NEA/AFT, and various school administrators and school boards. Vote 11-10. Rep. Michael B. Asselin for the Minority of Education: The committee minority believes this bill, as proposed, is a flawed bill. The proponents of the bill stated that by raising the age of compulsory school attendance from 16 to 18 it will increase expectations of students and fewer students will drop out. Currently a student can drop out at age 16 only if the parents agree (and there also has to be a meeting with the school principal). This bill takes away the parental rights and replaces the parents with the school superintendent. The minority believes the parental rights in making this decision about their children should be protected. The committee minority also presented evidence from the 2002 Cornell University Policy Analysis on the Effectiveness of Raising the Compulsory School Attendance (CSA) Age to Eighteen on Increasing High School Graduation Rates in New York State. The study concluded, "The completion rates and dropout rates of CSA-18 States do not conclusively suggest that raising the CSA to 18 would be effective in lowering dropout rates and increasing completion rates. Although some CSA-18 States have impressive completion rates, others do not. However, the benefits of raising the CSA to 18 could outweigh the costs if the State included additional funding for supplemental programs. Without such additional measures, it is risky to assume that a change in legislation will result in the desired effects." An additional evaluation of the New York legislation concluded "This policy (increasing the CSA age to 18) has been shown to be completely unsuccessful in increasing completion rates and only slightly successful in decreasing dropout rates." This bill makes the same flaw as the New York legislation. It increases the CSA age to 18 without providing statewide additional funding for supplemental programs to address dropout prevention and recovery. Proponents say the money will be added in separate legislation, if this bill passes. The minority committee offered to interim study this bill and develop a bi-partisan bill to fund the needed programs statewide. The committee majority refused, preferring to identify costs later after passing this bill. The committee minority believes this is not how State mandates should be passed (without knowing the costs). Experience in other states, which have increased the CSA age to 18 without additional statewide funding, shows us that significant problems will be created. In California, a number of school districts had to build new schools for the students who were not allowed to leave and were disruptive to the students who wanted to learn. In Texas, the truancy rates significantly increased and additional costs were incurred to form Absentee Review Boards and to prosecute parents who were allowing their kids to drop out of school. Who will pay these potential costs in New Hampshire?

Reps. Asselin, Hutchinson, Lary, Carson, Rowe, Rosen, Brassard and Vaillancourt spoke against. Rep. DeJoie spoke in favor.

Rep. Hess spoke against and yielded to questions.

Rep. Rous spoke in favor and yielded to questions.

(Deputy Speaker Weyler in the Chair)

Rep. John Flanders moved the previous question.

Adopted.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 134 NAYS 219

**YEAS 134
BELKNAP**

Fitzgerald, James

Morrison, Gail

CARROLL

Buco, Thomas

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Coates, Christopher

Dunn, J Timothy

Eaton, Daniel

Espiefs, Peter

Foote, Sheila

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Weed, Charles

COOS

Mears, Edgar	Merrick, Scott	Remick, William
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Naro, Debra	Nordgren, Sharon	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Egbers, Fran	Emerton, Larry	Foster, Linda	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Jeady, Jean
Johnson, Paula	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan	Shaw, Barbara
Shaw, Kimberly	Sullivan, Peter	Velez, Hector	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	French, Barbara	Gile, Mary	Hager, Elizabeth
Hamm, Christine	Kidder, David	L'Heureux, Stephen	Maxfield, Roy
McMahon, Patricia	Osborne, Jessie	Owen, Derek	Potter, Frances
Reardon, Tara	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Tilton, Joy	Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
Dowling, Patricia	Flockhart, Eileen	Gilbert, Karl	Langley, Jane
Moody, Marcia	Norelli, Terie	Powers, James	Robertson, Carl
Spaine, James	Winchell, George		

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Dunlap, Patricia	Goodwin, Earle
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Franklin, Peter	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		

NAYS 219**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Flanders, Donald
Heald, Bruce	Millham, Alida	Nedeau, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Dexter, Judson
Pelkey, Stephen
Tilton, Anna

Emerson, Susan
Roberts, Kris

Hogancamp, Deborah
Robertson, Timothy

Hunt, John
Sawyer, Sheldon

COOS

Lary, Bruce
Theberge, Robert

Morneau, Renney
Tholl, John Jr

Richardson, Herbert

Stohl, Eric

GRAFTON

Andersen, Gene
Ham, Bonnie
Solomon, Peter

Dorsett, Andrew
Ingbreton, Paul
Sorg, Gregory

Eaton, Stephanie
Maybeck, Margie
Ward, John

Gionet, Edmond
Mirski, Paul
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brassard, Paul
Carew, James
Clark, Mark
Dyer, Donald
Gargasz, Carolyn
Hagan, Barbara
Hebert, Raymond
Holden, Randolph
Lawrence, James
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Souza, Kathleen
Vaillancourt, Steve

Allan, Nelson
Bergin, Peter
Brundige, Robert
Carlson, Donald
Coughlin, Pamela
Elliott, Nancy
Golding, William
Haley, Robert
Hellwig, Steve
Irwin, Anne-Marie
Lessard, Rudy
Mooney, Maureen
Pepino, Leo
Ross, Lawrence
Shattuck, Gilman
Sullivan, Francis
Villeneuve, Maurice

Balboni, Michael
Biundo, Michael
Buhlman, David
Christensen, D L Chris
Crane, Elenore Casey
Essex, David
Goyette, Peter Jr
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
Marney, Pamela
O'Brien, William
Price, Pamela
Rowe, Robert
Slocum, Lee
Tahir, Saghir
Wheeler, James

Batula, Peter
Boehm, Ralph
Calawa, Leon Jr
Christiansen, Lars
Drisko, Richard
Francoeur, Bea
Graham, John
Hawkins, Ken
Hirschmann, Keith
Kurk, Neal
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Smith, David
Ulery, Jordan
Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Langlais, Thomas
Oliver, James

Currier, David
Foose, Robert
Lockwood, Priscilla
Reed, Dennis

Danforth, James
Hess, David
MacKay, James
Soltani, Tony

DeStefano, Stephen
Kennedy, Richard
Marple, Richard
Whiting, Herbert

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Camm, Kevin
Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Ingram, Russell
Katsakiores, George
Mason, April
Morris, Richard
Pantelakos, Laura
Rausch, James
Scamman, Stella
Waterhouse, Kevin
Wells, Roger

Asselin, Michael
Bridle, Russell
Carson, Sharon
Dalrymple, Janeen
Fesh, Bob
Gillick, Thomas
Hopfgarten, Paul
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Priestley, Anne
Robinson, John
Scamman, W Douglas
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Buxton, Donald
Charron, Gene
Donahue, Richard Ken
Flanders, John Sr
Gould, Kenneth
Hughes, Daniel
Itse, Daniel
Lund, Howie
McMahon, Charles
O'Neil, Michael
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Welch, David
Zolla, William

Bettencourt, David
Cady, Harriet
Coburn, James
Dowd, John
Forsing, Robert
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Major, Norman
Moore, Benjamin
Packard, Sherman
Quandt, Matthew
Sanders, Elisabeth
Stone, Joseph
Weldy, Norman

STRAFFORD

Albert, Russell	Bickford, David	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Chaplin, Duncan	Domingo, Baldwin	Easson, Timothy
Kaen, Naida	Newton, Clifford	Twombly, James	

SULLIVAN

Donovan, Thomas	Ferland, Brenda	Gale, Harry	Houde-Quimby, Charlotte
Osgood, Philip Sr	Rodeschin, Beverly		

and the majority committee report failed.

Rep. O'Neil moved Interim Study.

Rep. Hawkins requested a roll call; sufficiently seconded.

YEAS 309 NAYS 44**YEAS 309****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Morrison, Gail
Nedeau, Stephen	Rosen, Ralph	Russell, David	Thomas, John
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Buco, Thomas
Chandler, Gene	Dickinson, Howard	Knox, J David	Martin, James
McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna			

COOS

Lary, Bruce	Mears, Edgar	Merrick, Scott	Morneau, Renney
Remick, William	Stohl, Eric	Tholl, John Jr	

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Dorsett, Andrew	Eaton, Stephanie
Gionet, Edmond	Ham, Bonnie	Hammond, Lee	Ingbertson, Paul
Maybeck, Margie	Mirski, Paul	Solomon, Peter	Ward, John
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Campbell, David	Carew, James	Carlson, Donald	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Egbers, Fran
Elliott, Nancy	Emerton, Larry	Essex, David	Foster, Linda
Francoeur, Bea	Gargasch, Carolyn	Golding, William	Goley, Jeffrey

Gorman, Mary
Haley, Robert
Hebert, Raymond
Jeudy, Jean
Lasky, Bette
Manney, Pamela
Mead, Robert
O'Brien, William
Pilotte, Maurice
Rosenwald, Cindy
Shattuck, Gilman
Smith, David
Ulery, Jordan

Goyette, Peter Jr
Hall, Betty
Holden, Randolph
Johnson, Paula
Lawrence, James
Martin, Mary Ellen
Michon, Stephen
O'Connell, Timothy
Price, Pamela
Ross, Lawrence
Shaw, Barbara
Souza, Kathleen
Vaillancourt, Steve

Graham, John
Hansen, Ryan
Irwin, Anne-Marie
Kopka, Angeline
Lefebvre, Roland
Matarazzo, Anthony Sr
Mooney, Maureen
Ober, Lynne
Reeves, Sandra
Rowe, Robert
Shaw, Kimberly
Sullivan, Francis
Velez, Hector

Hagan, Barbara
Harvey, Suzanne
Jasper, Shawn
Kurk, Neal
Lessard, Rudy
McRae, Karen
Movsesian, Lori
Pepino, Leo
Renzullo, Andrew
Scanlon, Michael
Slocum, Lee
Sullivan, Peter
Wheeler, Robert

MERRIMACK

Anderson, Eric
Clarke, Claire
Field, William
Hager, Elizabeth
Kidder, David
MacKay, James
Oliver, James
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Blanchard, Elizabeth
Currier, David
Foose, Robert
Hamm, Christine
L'Heureux, Stephen
Marple, Richard
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Bouchard, Candace
Danforth, James
French, Barbara
Hess, David
Langlais, Thomas
Maxfield, Roy
Owen, Derek
Shurtleff, Stephen
Wallner, Mary Jane

Brueggemann, Donald
DeStefano, Stephen
Gile, Mary
Kennedy, Richard
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Soltani, Tony
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Buxton, Donald
Casey, Kimberley
Dowd, John
Flockhart, Eileen
Gould, Kenneth
Hutchinson, Karen
Johnson, Robert
Lund, Howie
McMahon, Charles
Nowe, Ronald
Priestley, Anne
Robertson, Carl
Scamman, Stella
Stone, Joseph
Weldy, Norman
Zolla, William

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Coburn, James
Dowling, Patricia
Forsing, Robert
Griffin, Mary
Ingram, Russell
Katsakiores, George
Major, Norman
Moore, Benjamin
O'Neil, Michael
Quandt, Marshall Lee
Robinson, John
Scamman, W Douglas
Waterhouse, Kevin
Wells, Roger

Asselin, Michael
Bridle, Russell
Cali-Pitts, Jacqueline
Dalrymple, Janeen
Fesh, Bob
Francoeur, Sheila
Headd, James
Introne, Robert
Katsakiores, Phyllis
Mason, April
Morris, Richard
Packard, Sherman
Quandt, Matthew
Rolston, James
Splaine, James
Weare, E Albert
Wiley, Robert

Belanger, Ronald
Brown, C. Pennington
Carson, Sharon
Donahue, Richard Ken
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Itse, Daniel
Langley, Jane
McKinney, Betsy
Norelli, Terie
Pantelakos, Laura
Rausch, James
Sanders, Elisabeth
Stiles, Nancy
Welch, David
Winchell, George

STRAFFORD

Albert, Russell
Brown, Lawrence
Chaplin, Duncan
Dunlap, Patricia
Hofemann, Roland
Miller, Joseph
Taylor, Katherine

Berube, Roger
Callaghan, Frank
Cilley, Jacalyn
Easson, Timothy
Johnson, Nancy
Newton, Clifford
Taylor, Kathleen

Brown, Jennifer
Campbell, W Packy
Creteau, Irene
Goodwin, Earle
Kaen, Naida
Rollo, Michael
Twombly, James

Brown, Julie
Cataldo, Sam
Domingo, Baldwin
Heon, Richard
Knowles, William
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Gale, Harry

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Rodeschin, Beverly

Franklin, Peter

NAYS 44
BELKNAP

Tilton, Franklin

CARROLL

None

CHESHIRE

Plifka, Stanley Jr

Weed, Charles

COOS

Richardson, Herbert

Theberge, Robert

GRAFTON

Harding, A Laurie
Nordgren, Sharon

McLeod, Martha
Sorg, Gregory

Mulholland, Catherine

Naro, Debra

HILLSBOROUGH

Beaulieu, Jane
Hinkle, Peyton
Tahir, Saghir

Buhlman, David
Hirschmann, Keith
Villeneuve, Maurice

Hawkins, Ken
Ryder, Donald
Wheeler, James

Hellwig, Steve
Schulze, Joan

MERRIMACK

DeJoie, John

Potter, Frances

Ryan, Jim

Yeaton, Charles

ROCKINGHAM

Camm, Kevin
Gilbert, Karl

Charron, Gene
Hopfgarten, Paul

Cooney, Richard
Moody, Marcia

Dumaine, Dudley
Powers, James

STRAFFORD

Bickford, David
Spang, Judith

Keans, Sandra

Rous, Emma

Schmidt, Peter

SULLIVAN

Converse, Larry
Prichard, Stephen

Houde-Quimby, Charlotte

Osgood, Philip Sr

Phinizy, James

and the minority committee report was adopted.

Rep. Schulze voted Nay and intended to vote Yea.

(Speaker Scamman in the Chair)

The House recessed at 1:00 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:10 p.m.

REGULAR CALENDAR (CONT'D)

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Deanna P. Rush for the Majority of Education: This bill recognizes the importance of quality early learning opportunities. It allows the most vulnerable children to move into licensed child care. Currently, the child care subsidies cut off at the 190% poverty level. This bill would allow families that fall between 190% and 250% of poverty to choose licensed child care centers over poor quality unlicensed care. The committee heard testimony that a 15 cent an hour raise could mean a low-income family would lose their child care subsidy and be forced

to choose cost over quality child care. The bill is an incentive to low-income families to choose better child care facilities with trained caregivers and it encourages child care centers to become licensed. It also appropriates \$500,000 from the general fund. Vote 15-6.

Rep. Clifford A. Newton for the Minority of Education: This bill is the dangling carrot to encourage parents to send their children to government approved-government licensed child care. While this may sound good to some, others on the committee felt it was another incremental move towards government control over child rearing. Additionally, when asked about this bill, Health and Human Services had concerns about spending \$200,000 of the \$500,000 on administration and overhead cost for this one-year program and felt it better to use the money, if available, for already existing programs.

Reps. Balboni and Newton spoke against.

Reps. Rush and Gargasz spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Balboni requested a roll call; sufficiently seconded.

YEAS 156 NAYS 154

YEAS 156

BELKNAP

Fitzgerald, James

Millham, Alida

Morrison, Gail

CARROLL

Buco, Thomas

Knox, J David

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Coates, Christopher

Eaton, Daniel

Espiefs, Peter

Foote, Sheila

Hogancamp, Deborah

Mitchell, Bonnie

Parkhurst, Henry

Pelkey, Stephen

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Roberts, Kris

Robertson, Timothy

Tilton, Anna

Weed, Charles

COOS

Mears, Edgar

Merrick, Scott

GRAFTON

Aguir, James

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Solomon, Peter

Ward, John

HILLSBOROUGH

Allan, Nelson

Baroody, Benjamin

Beaulieu, Jane

Bergin, Peter

Brassard, Paul

Campbell, David

Clemons, Jane

Cote, David

Cote, Peter

Coughlin, Pamela

Craig, James

Crane, Elenore Casey

Daniuk, Caitlin

DeVries, Betsi

Dokmo, Cynthia

Drisko, Richard

Essex, David

Foster, Linda

Gargas, Carolyn

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Hall, Betty

Harvey, Suzanne

Irwin, Anne-Marie

Judy, Jean

Johnson, Paula

Kopka, Angeline

Lasky, Bette

Lefebvre, Roland

Matarazzo, Anthony Sr

Michon, Stephen

Movsesian, Lori

O'Connell, Timothy

Pilotte, Maurice

Price, Pamela

Rosenwald, Cindy

Scanlon, Michael

Schulze, Joan

Shattuck, Gilman

Shaw, Barbara

Sullivan, Francis

Sullivan, Peter

Wheeler, Robert

MERRIMACK

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

DeJoice, John

Foose, Robert

French, Barbara

Gile, Mary

Hager, Elizabeth

Hamm, Christine
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Kidder, David
Osborne, Jessie
Reed, Dennis
Tilton, Joy
Williams, Robert

Lockwood, Priscilla
Owen, Derek
Rush, Deanna
Tupper, Frank
Yeaton, Charles

MacKay, James
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Gillick, Thomas
Norelli, Terie
Splaine, James

Brown, C. Pennington
Cooney, Richard
Gould, Kenneth
Powers, James
Stiles, Nancy

Buxton, Donald
Flockhart, Eileen
Langley, Jane
Robertson, Carl
Wiley, Robert

Cali-Pitts, Jacqueline
Gilbert, Karl
Moody, Marcia
Robinson, John

STRAFFORD

Berube, Roger
Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Schmidt, Peter

Brown, Jennifer
Creteau, Irene
Hofemann, Roland
Knowles, William
Smith, Marjorie

Brown, Julie
Domingo, Baldwin
Johnson, Nancy
Miller, Joseph
Taylor, Kathleen

Brown, Lawrence
Dunlap, Patricia
Kaen, Naida
Rollo, Michael
Wall, Janet

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinazy, James

Franklin, Peter
Prichard, Stephen

NAYS 154

BELKNAP

Allen, Janet
Heald, Bruce
Thomas, John
Wendelboe, Fran

Boyce, Laurie
Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

Clark, Charles
Rosen, Ralph
Tobin, William

Flanders, Donald
Russell, David
Veazey, John

CARROLL

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Brown, Carolyn
Morrow, Harry
Stevens, Stanley

Chandler, Gene
Olimpio, J Lisbeth

Martin, James
Patten, Betsey

CHESHIRE

Dexter, Judson

Emerson, Susan

Hunt, John

Sawyer, Sheldon

COOS

Lary, Bruce
Stohl, Eric

Morneau, Renney
Theberge, Robert

Remick, William
Tholl, John Jr

Richardson, Herbert

GRAFTON

Gionet, Edmond
Mirski, Paul

Ham, Bonnie
Sorg, Gregory

Ingbretson, Paul
Williams, Burton

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Biundo, Michael
Carew, James
Desmarais, Vivian
Francoeur, Bea
Hawkins, Ken
Manney, Pamela
O'Brien, William
Ross, Lawrence
Smith, David
Vaillancourt, Steve

Balboni, Michael
Boehm, Ralph
Carlson, Donald
Dyer, Donald
Golding, William
Hinkle, Peyton
McRae, Karen
Ober, Lynne
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

Batula, Peter
Brundige, Robert
Christensen, D L Chris
Elliott, Nancy
Graham, John
Hirschmann, Keith
Mead, Robert
Reeves, Sandra
Ryder, Donald
Tahir, Saghir
Wheeler, James

Bergeron, Jean-Guy
Calawa, Leon Jr
Christiansen, Lars
Emerton, Larry
Hagan, Barbara
Jasper, Shawn
Mooney, Maureen
Renzullo, Andrew
Slocum, Lee
Ulery, Jordan

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Hess, David
Kennedy, Richard	L'Heureux, Stephen	Langlais, Thomas	Marple, Richard
Oliver, James	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Donahue, Richard Ken	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Lund, Howie	Major, Norman
McKinney, Betsy	McMahon, Charles	Morris, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stone, Joseph	Waterhouse, Kevin	Weare, E Albert	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William

STRAFFORD

Albert, Russell	Callaghan, Frank	Cataldo, Sam	Chaplin, Duncan
Easson, Timothy	Newton, Clifford	Twombly, James	

SULLIVAN

Ferland, Brenda	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
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and the majority committee report was adopted.
Referred to the committee on Finance.

SB 373-FN-A, relative to a public health response to arbovirus. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas E. Donovan for Health, Human Services and Elderly Affairs: This bill establishes a protocol relative to the removal of standing water hazards in the event of arbovirus, a public health threat. It also establishes a mosquito control fund in the Department of Health and Human Services, and affords the commissioner rulemaking authority for the purposes of this bill. This bill compliments a recently passed House Bill (HB 1464) which also is relative to mosquito control protocols throughout the state. It also creates a task force to facilitate a coordinated local, regional and state response to arbovirus (disease spread by mosquitoes such as Triple E) in New Hampshire. Vote 15-0.

Amendment (1627h)

Amend the bill by deleting section 1 and renumbering the original sections 2-12 to read as 1-11, respectively.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

- I. Sections 6-11 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect July 1, 2006.

AMENDED ANALYSIS

I. Establishes a mosquito control fund in the department of health and human services to assist cities, towns, mosquito control districts, and non-profit organizations by providing funding to offset mosquito control activities. The commissioner of the department of health and human services is granted rulemaking authority for the purposes of the bill. The bill also makes an appropriation to the department for the purposes of funding the mosquito control fund.

II. Allows local health or local law enforcement officers to order removal of standing water hazards.

III. Establishes a 2-year task force for the purpose of facilitating a coordinated local, regional, and state response to arboviruses in New Hampshire.

Amendment adopted.

Committee report adopted.

Referred to the committee on Finance.

SB 399-FN, relative to the powers of state government in the event of a pandemic. OUGHT TO PASS WITH AMENDMENT.

Rep. James R. MacKay for Health, Human Services and Elderly Affairs: The title of this bill is a bit misleading, causing the reader to misinterpret the bill content and intent. Although the word pandemic appears in the title, the bill does not address a pandemic. The amendment recommends that the bill title be changed to reflect this. What this bill does is to amend the communicable disease statute of the Department of Health and Human Services. It has three specific sections that provide for the DHHS commissioner, with the written approval of the Governor, to take the following actions: the closing, evacuation and decontamination of any building that "may present an imminent danger to the public health due to an incident or outbreak of communicable diseases;" "cancellation of public gatherings and events within the state to prevent the spread of disease;" DHHS may "control, restrict and ration the use, sale, dispensing, distribution of a variety of medications and mechanical equipment necessary to protect the health of the people of New Hampshire." Due process provisions have been provided, allowing an appeal to the Superior Court. This bill also formalizes an ethics committee that advises the commissioner regarding ethical issues that are confronted in reacting to outbreaks of communicable diseases. The committee is advisory. Finally, the bill contains no conflict with emergency management powers. The basic intent of this legislation is to take preventive actions, as outlined above, to avoid or minimize public health epidemics. The committee voted unanimously to support this significant public health initiative. Vote 15-0.

Amendment (1618h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the powers of state government in the event of an incident or outbreak of communicable disease.

Amend the bill by replacing all after the enacting clause with the following:

1 Communicable Disease; Closure and Decontamination. Amend RSA 141-C:16-a to read as follows:

141-C:16-a *Closure*; Decontamination.

I. The commissioner, with the written approval of the governor, may close, direct, and compel the evacuation [of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health] and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health due to an incident or outbreak of communicable disease. The commissioner may also cause any material located within or on the grounds of such building to be decontaminated or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

II. The closure of any buildings pursuant to this section shall be by the least restrictive means possible and the commissioner shall close only those buildings that are reasonably believed to pose a threat to the health of the public.

III. The owner of any building or portion of a building that is ordered closed in accordance with this section may request a hearing in the superior court to contest that order. The superior court shall schedule and hold a hearing and issue a decision within 5 working days of the court's receipt of the request for a hearing. At the hearing, the burden of proof shall be on the commissioner to prove by a preponderance of the evidence that closure of the building is reasonably necessary to protect the health of the public.

2 New Section; Communicable Disease; Cancellation of Events. Amend RSA 141-C by inserting after section 16-a the following new section:

141-C:16-b Cancellation of Events. The commissioner, with the written approval of the governor, may order the cancellation of public gatherings and events within the state, or in specific geographic areas of the state, as is deemed necessary to prevent the spread of disease; provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation.

3 New Sections; Communicable Disease; Custody; Rationing; Cost of Items. Amend RSA 141-C by inserting after section 17-a the following new sections:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, the commissioner, with the written approval of the governor, may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner, with the written approval of the governor, shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, existing within the state to ensure that such agents are distributed and utilized appropriately. Any person who is aggrieved by a decision made by the commissioner and approved by the governor with respect to the restriction or rationing of the use, sale, dispensing, distribution, or transportation of such agents, and mechanical equipment such as ventilators may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Multiple requests for hearings under this section may be consolidated into one hearing if the underlying facts are similar, the court deems such consolidation to be appropriate, and the court determines that such consolidation will adequately satisfy the due process rights of the persons who requested a hearing.

141-C:17-c Certain Cost Required. In the event of an outbreak of communicable disease, the commissioner shall pay to the retailer the Medicaid rate of any items to be acquired by the department, the rate as it was the day prior to the outbreak of the communicable disease.

4 New Sections; Communicable Disease; Ethics Committee Established. Amend RSA 141-C by inserting after section 23 the following new sections:

141-C:24 Ethics Committee.

I. There is hereby established an ethics committee to offer advice to the commissioner relative to the ethical issues that may be identified in the course of planning for, and responding to, outbreaks of communicable disease.

II. The committee shall consider the ethical implications of any of the powers that may be exercised by the commissioner under the provisions of this chapter including, but not limited to, the confiscation, distribution, and rationing of anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, and mechanical equipment such as ventilators; the issuance and enforcement of orders of isolation, quarantine, medical examination, and medical treatment; and issues relative to information sharing and confidentiality.

III. The members of the committee shall be as follows:

- (a) The director of the division of public health services.
- (b) The state epidemiologist.
- (c) The attorney general, or designee.
- (d) A representative of a municipal department of public health, appointed by the commissioner.
- (e) A representative from a college or university public health program, appointed by the commissioner.
- (f) A chief of police or a police officer of a local police department, appointed by the New Hampshire Association of Chiefs of Police.
- (g) A chief of a local fire department, appointed by the New Hampshire Association of Fire Chiefs.
- (h) A physician, licensed under RSA 329, appointed by the New Hampshire Medical Society.
- (i) The commissioner of the department of safety, or designee.
- (j) A member of a fire department, appointed by The New Hampshire Professional Firefighters Association.
- (k) A representative of a hospital, appointed by the New Hampshire Hospital Association.
- (l) A county representative, appointed by the New Hampshire Association of Counties.

IV. The commissioner shall appoint a member of the committee to act as chairperson. The committee shall meet initially within 30 days of the effective date of this section and then as regularly as the chairperson shall direct.

V. The commissioner may at any time direct questions to the committee or request guidance on ethical issues. In addition, the committee shall develop proposed guidelines and protocols relative to any ethical issues that it identifies.

VI. The committee shall be solely advisory in nature and any guidance, guidelines, or protocols issued by the committee shall not be binding on the commissioner.

141:25 No Conflict With Emergency Management Powers. Nothing in this chapter shall be construed to limit or restrict the exercise of the governor's emergency management powers under RSA 4:45 – RSA 4:47.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services, with the written approval of the governor, to ration and prioritize certain pharmaceutical agents in the event of a shortage during an incident or outbreak of communicable disease. Under this bill, the commissioner, with the written approval of the governor, has the power to close public places during an incident, etc. This bill also establishes a committee to advise the commissioner in addressing ethical issues under RSA 141-C.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Hagan spoke against.

Rep. MacKay spoke in favor and yielded to questions.

Rep. Hess yielded to questions.

On a division vote, 261 members having voted in the affirmative and 48 in the negative, the committee report was adopted.

Referred to the committee on Finance.

MOTION TO PRINT REMARKS

Rep. Balboni moved that his question and the answer from Rep. Hess be printed in the Permanent Journal. The Chair so ordered.

REMARKS

Rep. Balboni: Thank you, Mr. Speaker. Thank you, Honorable Representative for taking my question. My question deals with Section 2 of the bill, on page 1750, where it says that "the commissioner, with the written approval of the governor, may order the cancellation of public gatherings and events within the state, provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation." If the governor has the authority to cancel an event or public gathering, how is that not by definition the abrogation of the people's constitutional rights to assemble? And if that isn't, in your view, an abrogation of their right, how would this work from a practical point of view?

Rep. Hess: Thank you very much, Mr. Speaker. Representative, the idea here is what was envisioned was a situation where there would be an event at the Verizon Center, say a hockey game or entertainment, and a threat of a communicable disease epidemic was such that the public health officials felt it was not appropriate for that event to go forward. That would be the kind of event that would govern, this section would govern. It would not prohibit, and it provides for not affecting the right of assembly specifically to ensure that this provision cannot be used under the guise of health risks to prevent political assemblies where public issues are discussed and debated, even if the public health officials think there is a danger.

REGULAR CALENDAR (CONT'D.)

HB 2006, relative to the state 10-year transportation improvement plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gene G. Chandler for Public Works and Highways: This bill represents the Ten-Year Highway Plan, which is a culmination of many hours of work by regional planning agencies, the Department of Transportation, the Executive Council, the Governor and the Public Works and Highways Committee. Funding is certainly a major issue and being cognizant of that, the committee did not fund any additional projects. Changes to the plan as presented to the committee are as follows: Added Exit 6 to an existing study of Exit 7 in Manchester. Both exits need to be looked

at together as changes to one, or the other, will, or could have major effects on the other. A technical change corrects a prior oversight regarding authorization to bond for the bridge and road project over the Merrimack River in Litchfield and Merrimack. The committee also removed reference to a portion of the circumferential highway, which has been carried in the plan for years, but due to environmental concerns will not be constructed. In 2001, utilizing a federal grant, the Town of Bedford produced a corridor study for Route 101 through the town. One recommendation of this study was the building of a road connecting Wallace and Nashua roads in the town. This street would, according to the study, alleviate some traffic congestion on Route 101. The town is preparing to go forward with this connector road, not waiting for the proposed widening on Route 101 as outlined in the plan. The amendment states that the Town of Bedford will be reimbursed 80% of the costs associated with constructing this road, to be paid in the year that the project is presently situated in the Ten-Year Plan. Additionally, the reimbursement is contingent upon a study being done that clearly demonstrates that the connector road benefits the capacity and safety of Route 101 and that all design, environment evaluation, and construction is done in accordance with appropriate state and federal guidelines. If these requirements are met, and the town reimbursed, the state will save money for the project by paying for it in current year dollars, rather than the cost of the project at some point in the future. As the transportation plan becomes increasingly complex, the committee felt that additional legislative oversight and input was necessary. An added section requires the Department of Transportation to provide quarterly updates to the Capital Budget Overview Committee. These reports would cover such things as changes in start dates, additions to the plan (such as red-listed bridges), or changes in funding source for projects. This is a reporting requirement, not an approval process. From time to time the General Court approves the bonding of certain projects, or programs with the intention that these bonds will be paid for, either in total or in part, through the state's highway fund (for example HB 1767 of the current session). This section requires that the Capital Budget Overview Committee approve the expenditure of highway funds for repayment of such bonds. This will provide additional legislative oversight and control of our highway funds consistent with both our constitution and the intent of the General Court. Language was added to protect projects already under way from possible conflicts with any eminent domain laws which might pass this session, or in the future. A lot of discussion was held regarding the Memorial Bridge in Portsmouth. This is a red-listed bridge and used not only by the traveling public, but provides a vital link for emergency vehicles. This project is a 50-50 match with the State of Maine and, unless things change in that state in the very near future, the project cannot begin before its present place in the plan which is 2010. This bridge is a red-listed bridge and a priority with the NH Department of Transportation, and if the funding issue in Maine is resolved, the New Hampshire Commissioner has the authority to move the project forward. The committee was, and remains, concerned about the Memorial Bridge project, but believe that due to the situation in Maine, advancing the project in the Ten-Year Plan would displace other projects that have a chance to be completed on schedule. Additionally, the Department is constrained by Federal Highway regulations to provide a financially constrained highway plan for the years FY 07, FY 08 and FY 09, which means that any projects planned in those years must have a virtual certainty of being constructed. Since the Maine portion of the funding is dubious for those years, New Hampshire would run the risk of Federal Highway disapproval of our proposed plan. Despite the lure of adding projects to this plan, the committee has resisted due to the funding issues and the goal to keep trying to inch closer to a getting back to a true Ten-Year Highway Plan. Vote 16-0.

Amendment (1635h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of N.H. 101, and a bridge crossing the Merrimack.

Amend the bill by replacing all after section 2 with the following:

3 Exempting Highway Projects Relative to Eminent Domain and Public Purpose. Transportation projects listed in the state 10-year transportation improvement plan 2007-2016 shall be exempt from all statutes enacted after January 1, 2006 limiting the purposes for which the power of eminent domain may be used. The intent of this section is to allow the use of eminent domain for acquiring property to improve transportation infrastructure which in turn, whether intended or not, may benefit subsequent economic development in the area served by the transportation infrastructure.

4 State 10-Year Transportation Improvement Plan; FE Everett Turnpike/I-293. The project named Manchester, project number 2745, of the state 10-year transportation improvement plan 2007-2016, to reconstruct the interchange at Exit 7 to become a full interchange, shall include engineering studies of Exit 6 to consider safety and traffic issues, and dependent on the engineering studies of Exit 7 and Exit 6, the department of transportation shall phase the construction in accordance with what best serves the public needs.

5 State 10-Year Transportation Improvement Plan; New Hampshire Route 101; Widening Road. A phase of the project named Bedford, project number 13953, of the state 10-year transportation improvement plan 2007-2016 to widen N.H. 101 to 5 lanes for approximately 2 miles, from N.H. 114 to Wallace Road, may be initially funded by the town of Bedford. Specifically, the town of Bedford may fund the construction of a connector road between Wallace Road and Nashua Road roughly parallel to N.H. 101.

6 State 10-Year Transportation Improvement Plan; Bedford Project; Reimbursement.

I. In the year in which the project is funded in the state 10-year transportation improvement plan 2007-2016, the town of Bedford shall receive 80 percent reimbursement of its cost of construction of the connector road from federal funds, provided the following conditions have been met:

(a) The town of Bedford shall demonstrate through an engineering study that the connector road benefits the safety and capacity of N.H. 101.

(b) The engineering design, environmental evaluation, purchase of right-of-way, and construction of the connector road is done in accordance with state and federal requirements that apply to federal aid projects.

II. Reimbursement under paragraph I is contingent on the availability of federal funding specific to the federal program which the project named Bedford, project number 13953, falls within.

III. Nothing in this section shall be construed as a guarantee of reimbursement by state or federal funds. This section allows for reimbursement for a phase of this project in the year the project appears in the state 10-year transportation improvement plan 2007-2016 based on the costs when the connector road is constructed.

7 New Subparagraph; Authority for Improvements to Central New Hampshire Turnpike. Amend RSA 237:2, IV by inserting after subparagraph (f) the following new subparagraph:

(g) Construction of a bridge crossing the Merrimack River connecting US 3 in Merrimack and N.H. 102 in Litchfield with future design consideration for a segment of highway connecting N.H. 102 in Litchfield and N.H. 111 in Hudson.

8 New Subparagraph; Turnpike System Funds Provided. Amend RSA 237:7, I by inserting after subparagraph (n) the following new subparagraph:

(o) Construction of a bridge crossing the Merrimack River connecting U.S. 3 in Merrimack and N.H. 102 in Litchfield with future design consideration for a segment of highway connecting N.H. 102 in Litchfield and N.H. 111 in Hudson. RSA 237:2, IV(g).75,000,000.

9 Oversight and Reporting Required. The department of transportation shall provide a report every 90 days to the governor and the capital budget overview committee on the changes to any projects approved under this plan. The reports shall include current construction dates relative to bidding and completing projects, project additions or deletions to the 10-year plan, and changes in funding programs for any project. The reports shall be developed in a format adopted by the department of transportation.

10 Committee Approval Required. Any funds from the highway fund of the state to be used for the repayment of bonds shall not be expended without the approval of the capital budget overview committee.

11 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

I. Updates the 10-year transportation improvement plan to maintain highways and bridges in the state.

II. Exempts certain highway projects from eminent domain.

III. Includes improvements to a segment of the FE Everett Turnpike/I-93 and the widening of a segment of N.H. 101.

IV. Requires the department of transportation to make periodic reports.

V. Requires expenditures for the repayment of bonds to be approved by the capital budget overview committee.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Hughes spoke against.

Rep. Chandler spoke in favor and yielded to questions.

Committee report adopted and ordered to third reading.

SCR 6, urging Congress to support stem cell research. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James E. Twombly for the Majority of State-Federal Relations and Veterans Affairs: This resolution arrived in committee after having been amended in the Senate. The amended version removed the word embryonic. The majority of the committee felt that the field of stem cell research was all encompassing and included both embryonic and adult stem cells. The House has already passed HJR 20 supporting the position on stem cells and a majority of the committee felt that this SCR was not needed. The sponsors also recommended that if embryonic was not reinserted into the SCR that the resolution be made ITL. Vote 7-4.

Rep. Kris E. Roberts for the Minority of State-Federal Relations and Veterans Affairs: No matter what side one may take on this issue concerning this highly sensitive matter, each of us has been faced with highly moral and ethical decisions. For some of us, we have been confronted with serious religious moments of crisis. Without belittling the importance of life, no matter when one may believe life begins, this bill is not about destroying life, this bill is about providing hope. This bill is about taking what is almost in all cases fertilized eggs which are allowed to die or disposed of as medical waste. Each year at least 100,000 embryonic stem cells from this potential medical waste have the possibility to provide hope to countless citizens with deadly or disabling diseases. Embryonic stem cells have the possibility of finding a cure for juvenile diabetes, or allowing someone confined to a wheel chair the ability to walk. This is not about destroying life; this is about improving the quality of life.

Rep. Roberts spoke against.

Rep. Twombly spoke in favor.

Rep. Jeudy requested a roll call; sufficiently seconded.

YEAS 149 NAYS 147

YEAS 149

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedead, Stephen	Rosen, Ralph
Russell, David	Thomas, John	Tilton, Franklin	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Brown, Carolyn	Chandler, Gene	Martin, James	McConkey, Mark
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Butynski, William	Hunt, John	Pelkey, Stephen
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COOS

Stohl, Eric

GRAFTON

Cooney, Mary	Gionet, Edmond	Ingbreton, Paul	Maybeck, Margie
Mirski, Paul	Sorg, Gregory	Ward, John	

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carew, James	Carlson, Donald

Christensen, D L Chris
Dyer, Donald
Goyette, Peter Jr
Hellwig, Steve
Lawrence, James
McRae, Karen
Ober, Lynne
Renzullo, Andrew
Ulery, Jordan
Wheeler, Robert

Christiansen, Lars
Elliott, Nancy
Graham, John
Hinkle, Peyton
Lefebvre, Roland
Mead, Robert
Pilotte, Maurice
Schulze, Joan
Vaillancourt, Steve

Coughlin, Pamela
Emerton, Larry
Haley, Robert
Hirschmann, Keith
Manney, Pamela
Mooney, Maureen
Price, Pamela
Slocum, Lee
Villeneuve, Maurice

Desmarais, Vivian
Francoeur, Bea
Hawkins, Ken
Jeudy, Jean
Martin, Mary Ellen
O'Connell, Timothy
Reeves, Sandra
Souza, Kathleen
Wheeler, James

MERRIMACK

Danforth, James
Kennedy, Richard
Oliver, James

Field, William
Langlais, Thomas
Reed, Dennis

Hager, Elizabeth
MacKay, James
Soltani, Tony

Hess, David
Marple, Richard

ROCKINGHAM

Allen, Mary
Cady, Harriet
Donahue, Richard Ken
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Morris, Richard
Quandt, Marshall Lee
Stiles, Nancy
Welch, David
Zolla, William

Belanger, Ronald
Carson, Sharon
Dowd, John
Forsing, Robert
Griffin, Mary
Ingram, Russell
Katsakiores, George
O'Neil, Michael
Quandt, Matthew
Stone, Joseph
Weldy, Norman

Bettencourt, David
Coburn, James
Dumaine, Dudley
Francoeur, Sheila
Headd, James
Introne, Robert
Langley, Jane
Packard, Sherman
Rausch, James
Waterhouse, Kevin
Weyler, Kenneth

Bicknell, Elbert
Cooney, Richard
Fesh, Bob
Gilbert, Karl
Hopfgarten, Paul
Itse, Daniel
Lund, Howie
Priestley, Anne
Scamman, Stella
Weare, E Albert
Wiley, Robert

STRAFFORD

Berube, Roger
Easson, Timothy

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Twombly, James

Chaplin, Duncan

SULLIVAN

Donovan, Thomas

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 147

BELKNAP

Millham, Alida

Morrison, Gail

Tobin, William

CARROLL

Babson, David Jr

Buco, Thomas

Dickinson, Howard

Merrow, Harry

CHESHIRE

Butcher, Suzanne
Emerson, Susan
Mitchell, Bonnie
Richardson, Barbara
Tilton, Anna

Coates, Christopher
Espieffs, Peter
Parkhurst, Henry
Roberts, Kris

Dexter, Judson
Foote, Sheila
Pliifka, Stanley Jr
Robertson, Timothy

Eaton, Daniel
Hogancamp, Deborah
Pratt, John
Sawyer, Sheldon

COOS

None

GRAFTON

Aguiar, James
Bleyler, Ruth
Harding, A Laurie
Solomon, Peter

Almy, Susan
Eaton, Stephanie
McLeod, Martha

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Essex, David	Foster, Linda	Gargas, Carolyn
Golding, William	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Harvey, Suzanne	Irwin, Anne-Marie	Johnson, Paula	Kopka, Angeline
Lasky, Bette	Lessard, Rudy	Matarazzo, Anthony Sr	Movsesian, Lori
Rosenwald, Cindy	Ryder, Donald	Shattuck, Gilman	Shaw, Barbara
Smith, David	Sullivan, Francis	Sullivan, Peter	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Clarke, Claire	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hamm, Christine	Kidder, David	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Brown, C. Pennington	Buxton, Donald
Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley	Charron, Gene
Flockhart, Eileen	Gould, Kenneth	Major, Norman	McKinney, Betsy
Moody, Marcia	Norelli, Terie	Powers, James	Robertson, Carl
Robinson, John	Rolston, James	Sanders, Elisabeth	Splaine, James
Wells, Roger			

STRAFFORD

Albert, Russell	Bickford, David	Brown, Jennifer	Brown, Julie
Brown, Lawrence	Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Dunlap, Patricia	Heon, Richard	Hofemann, Roland
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Rollo, Michael	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizey, James	Prichard, Stephen

and the majority committee report was adopted.

BILLS REMOVED FROM CONSENT CALENDAR

SB 323, establishing a legislative youth advisory council. **OUGHT TO PASS.**

Rep. Barbara Hull Richardson for Children and Family Law: This bill establishes a legislative youth council similar to a very successful program in Maine. It would involve youth with legislators in dealing with policies on issues related to youth. This program would conduct an annual summer event for council members regarding leadership, government and the legislature, to which legislators would be invited. The council would meet no fewer than four times each year, and would conduct two hearings a year on issues of importance to youth. Vote 12-0.

Rep. McRae moved Recommit.

Motion adopted.

Recommitted to the committee on Children and Family Law.

SB 370-FN, relative to multidisciplinary child protection teams. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anthony P. Matarazzo for Children and Family Law: The committee comes unanimously to support children who have been victims of neglect, physical, psychological, or sexual abuse and/or any combination of these traumas to alleviate further pain and suffering. The intent of this bill

is to keep these children from having to be subjected to the onslaught of multiple agencies that currently step in to help the child. The Department of Children, Youth and Families (DCYF), the police, physical and mental health practitioners, school and others will be coordinated to prevent the child from having to be interviewed over and over again, requiring the child to relive the trauma. This bill allows DCYF to enter into agreements to create multidisciplinary child protection teams to investigate and interview in unison. It creates human resources and other efficiencies, all the while improving on minimizing the trauma to the child. Vote 13-0.

Amendment (1623h)

Amend RSA 169-C:34-a as inserted by section 1 of the bill by replacing it with the following:

169-C:34-a Multidisciplinary Child Protection Teams.

I. The department of health and human services may enter into formal cooperative agreements with appropriate agencies and organizations to create multidisciplinary child protection teams to assist with the investigation and evaluation of reports of abuse and neglect under this chapter.

II. Multidisciplinary child protection team members shall include at least one representative of the department of health and human services and may include licensed physical and mental health practitioners, educators, law enforcement officers, representatives from the local child advocacy center, social workers, and such other individuals as may be necessary to assist with the investigation and evaluation of reports of abuse or neglect.

III. The department may share information from its case records to the extent permitted by law with members of a multidisciplinary child protection team to assist the team with its investigation and evaluation of a report of abuse or neglect. Multidisciplinary child protection team members shall be required to execute a confidentiality agreement and shall be bound by the confidentiality provisions of RSA 169-C:25 and RSA 170-G:8-a.

IV. The department, in consultation with the department of justice and the network of children's advocacy centers, shall develop a written protocol for multidisciplinary child protection team investigations. The purpose of the protocol shall be to ensure the coordination and cooperation of the agencies involved in multidisciplinary child protection team investigations, to increase efficiency in the handling of these cases, and to minimize the impact of the legal and investigatory process on the child. The protocol shall be reviewed and, if necessary, revised not less than once every 3 years. The department shall forward a copy of the revised protocol to the house committee responsible for children and family law matters, the speaker of the house of representatives, the senate president, and the governor by November 15 of the year in which the protocol was revised.

V. Multidisciplinary child protection team members shall conduct an internal, annual review of the multidisciplinary team approach to investigation and evaluation of child abuse reports. The team shall review its practices and procedures and assess its effectiveness in agency coordination, efficiency in handling cases, and the degree to which the multidisciplinary team is able to minimize the impact of the legal and investigatory process on the child.

VI. On or before November 15 of each year, the department of health and human services shall file a report with the house committee responsible for children and family law matters regarding the use of multi-disciplinary child protection teams under this section. The report shall provide statistical and other non-identifying information collected by the multidisciplinary child protection teams, including performance data and outcome specific data, such as the disposition of the cases and the effect on the lives of the relevant parties, and any other data deemed relevant and necessary by the child protection team. Every 4 years, the department shall submit a comprehensive report that summarizes the costs and benefits of using multidisciplinary child protection teams and makes a specific recommendation regarding the continuation of such teams.

VII. Nothing in this section shall abrogate the department's duty to investigate and pursue reports of child abuse and neglect under this chapter.

Rep. McRae moved Recommit.

Motion adopted.

Recommitted to the committee on Children and Family Law.

SB 382, relative to the guardian ad litem board. **OUGHT TO PASS.**

Rep. Mary Stuart Gile for Children and Family Law: This bill establishes a guardian ad litem board which shall be responsible for overseeing the credentialing, activities, and discipline of guardians

ad litem in NH who are, or who have been, certified by the board. Categories include terms of appointment, duties of the board, rulemaking authority, certification, confidentiality and disclosure of information, immunity from civil and criminal actions, court appointed special advocates and severability. Vote 14-0.

Rep. McRae moved Recommit and yielded to questions.

Motion adopted.

Recommitted to the committee on Children and Family Law.

MOTION TO REMOVE FROM TABLE

Rep. Itse moved that **HB 1229-FN**, prohibiting the use of false documentation for employment, government services, or permits, be removed from the table.

Rep. Itse requested a roll call; sufficiently seconded.

YEAS 108 NAYS 185

YEAS 108

BELKNAP

Allen, Janet
Rosen, Ralph
Whalley, Michael

Boyce, Laurie
Tilton, Franklin

Clark, Charles
Tobin, William

Heald, Bruce
Wendelboe, Fran

CARROLL

Babson, David Jr
McConkey, Mark

Chandler, Gene
Merrow, Harry

Dickinson, Howard
Stevens, Stanley

Martin, James

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan

Foote, Sheila

Hogancamp, Deborah

COOS

None

GRAFTON

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Carlson, Donald
Dyer, Donald
Hellwig, Steve
Lessard, Rudy
Mooney, Maureen
Reeves, Sandra
Ulery, Jordan

Allan, Nelson
Biundo, Michael
Christensen, D L Chris
Elliott, Nancy
Hinkle, Peyton
Manney, Pamela
O'Connell, Timothy
Renzullo, Andrew
Villeneuve, Maurice

Balboni, Michael
Boehm, Ralph
Christiansen, Lars
Francoeur, Bea
Hirschmann, Keith
McRae, Karen
Ober, Lynne
Slocum, Lee
Wheeler, James

Batula, Peter
Carew, James
Crane, Elenore Casey
Golding, William
Lawrence, James
Mead, Robert
Price, Pamela
Souza, Kathleen

MERRIMACK

Field, William
Lockwood, Priscilla

Hess, David
Soltani, Tony

Kidder, David

Langlais, Thomas

ROCKINGHAM

Allen, Mary
Buxton, Donald
Coburn, James
Forsing, Robert
Hughes, Daniel
Lund, Howie
Rausch, James
Wells, Roger

Asselin, Michael
Cady, Harriet
Donahue, Richard Ken
Griffin, Mary
Ingram, Russell
Morris, Richard
Rolston, James
Weyler, Kenneth

Bettencourt, David
Camm, Kevin
Dowd, John
Headd, James
Introne, Robert
Quandt, Marshall Lee
Sanders, Elisabeth

Bicknell, Elbert
Carson, Sharon
Dumaine, Dudley
Hopfgarten, Paul
Itse, Daniel
Quandt, Matthew
Stiles, Nancy

STRAFFORD

Albert, Russell
Chaplin, Duncan

Bickford, David
Easson, Timothy

Campbell, W Packy
Newton, Clifford

Cataldo, Sam
Twombly, James

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 185**BELKNAP**

Fitzgerald, James
Russell, David

Flanders, Donald
Thomas, John

Morrison, Gail

Nedeau, Stephen

CARROLL

Brown, Carolyn
Philbrick, Donald

Buco, Thomas

Olimpio, J Lisbeth

Patten, Betsey

CHESHIRE

Butcher, Suzanne
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Mitchell, Bonnie
Pratt, John
Sawyer, Sheldon

Coates, Christopher
Parkhurst, Henry
Richardson, Barbara
Tilton, Anna

Eaton, Daniel
Pelkey, Stephen
Roberts, Kris

COOS

Stohl, Eric

GRAFTON

Aguiar, James
Bleyler, Ruth
Harding, A Laurie
Solomon, Peter

Almy, Susan
Cooney, Mary
McLeod, Martha

Andersen, Gene
Ham, Bonnie
Mulholland, Catherine

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Brundige, Robert
Clemons, Jane
Craig, James
Dokmo, Cynthia
Gargas, Carolyn
Graham, John
Hawkins, Ken
Kopka, Angeline
Matarazzo, Anthony Sr
Ryder, Donald
Smith, David
Wheeler, Robert

Beaulieu, Jane
Calawa, Leon Jr
Cote, David
Daniuk, Caitlin
Emerton, Larry
Goley, Jeffrey
Haley, Robert
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Schulze, Joan
Sullivan, Francis

Bergin, Peter
Campbell, David
Cote, Peter
Desmarais, Vivian
Essex, David
Gorman, Mary
Hall, Betty
Jasper, Shawn
Lefebvre, Roland
Pilotte, Maurice
Shattuck, Gilman
Sullivan, Peter

Brassard, Paul
Chase, Claudia
Coughlin, Pamela
DeVries, Betsi
Foster, Linda
Goyette, Peter Jr
Harvey, Suzanne
Jeudy, Jean
Martin, Mary Ellen
Rosenwald, Cindy
Shaw, Barbara
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeJoie, John
Gile, Mary
MacKay, James
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Marple, Richard
Potter, Frances
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
Foose, Robert
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Danforth, James
French, Barbara
Kennedy, Richard
Oliver, James
Reed, Dennis
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Flanders, John Sr
Gillick, Thomas

Belanger, Ronald
Charron, Gene
Flockhart, Eileen
Gould, Kenneth

Brown, C. Pennington
Cooney, Richard
Francoeur, Sheila
Johnson, Robert

Cali-Pitts, Jacqueline
Fesh, Bob
Gilbert, Karl
Katsakiores, George

Langley, Jane
Norelli, Terie
Priestley, Anne
Splaine, James
Welch, David

Major, Norman
O'Neil, Michael
Robertson, Carl
Stone, Joseph
Weldy, Norman

McKinney, Betsy
Packard, Sherman
Robinson, John
Waterhouse, Kevin
Wiley, Robert

Moody, Marcia
Powers, James
Scamman, Stella
Weare, E Albert
Zolla, William

STRAFFORD

Berube, Roger
Callaghan, Frank
Dunlap, Patricia
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Smith, Marjorie

Brown, Julie
Creteau, Irene
Hofemann, Roland
Knowles, William
Spang, Judith

Brown, Lawrence
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James
and the motion failed.

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 19, 2006 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

SB 395, relative to the number of children in a licensed foster home.

SB 283-FN, relative to stop loss insurance.

SB 207-FN, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability.

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.

SB 328, relative to the regulation of snowmobiles and off highway recreational vehicles.

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts.

SB 332, making technical corrections to the uniform trust code and related statutes.

SB 178, designating a certain highway the Gold Star Mothers Highway.

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

SB 344, establishing a committee to study state benefit programs for national guard members.

SJR 4, urging Congress to require the Department of Defense to reinstate the terminology of "POW" or "Prisoner of War" into the classification of military personnel.

HB 2006, relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of NH 101, and a bridge crossing the Merrimack.

UNANIMOUS CONSENT

Reps. Mirski and Carlson addressed the House.

Rep. Soltani moved that the remarks made by Rep. Mirski be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Mirski: Thank you, Mr. Speaker. A couple of months ago we lost a good friend, John Alger. Just a little more than a week ago, we lost his friend and fellow representative from Grafton, District 6, Bob Barker of a brain tumor. The interment ceremony was held last Friday at the Veterans' Cemetery in Boscawen.

Of course, with these events you always learn a little more about the person you are sitting next to. John is the fellow who got Bob to run for the House. They both lived on East Rumney Road, well; I don't know whether they call it the road when it gets into Campton. John lived on the east end of East Rumney Road in Rumney and Barker lived a little ways further east, right over the line in Campton. They were on the phone quite a lot every day, they were great friends. I remember once driving by and watching them putting up their campaign signs, making sure that neither one was higher than the other, as they were standing beside the road. They traveled around together and worked together. They were great Reps for their district.

John, as everybody knows, was this kind of effervescent personality who figured you could fix any thing, any time, any day. He was always working very positively. Bob was kind of a curmudgeon. He had that Air Force Colonel view of the world where he had seen an awful lot and wasn't going to put up with much BS. So they made a great pair and were always fun to be around. One guy was up and the other guy was looking at the dark side of the moon.

Bob had received a lot of commendations in the Air Force. We have many people here who are veterans. Last week, we had the representative from Deerfield talk about Okinawa and battles. We have a World War II Navy ace in the room from Laconia. A lot of people who have fascinating lives, and which we don't know much about. I was thinking last week about the remarks about Okinawa. How so many men were ordered, faceless men, were ordered by the colonels and generals and admirals into harm's way. Well, you're going to learn a little bit of something about Bob Barker which he revealed to me once in my living room over coffee. Those folks were ordered into harm's way, really, without the commanders knowing who they were.

Bob was a cold warrior. He spent 22 years in the Air Force and much of it had to do with service in the Far East in Vietnam, Laos, and Cambodia during that hard time. Then following that period, he became involved in sending men into North Korea, as an Air Force intelligence officer, selecting men to infiltrate the North Korean government and bring back information. I think everyone in this room knows what a recalcitrant, backward, terrible state North Korea is.

Bob developed liver cancer about five years ago and would travel back and forth to Dartmouth-Hitchcock. Fortunately for me, often on these trips, he would stop in, knock on the door in the afternoon, and I'd quit working. We would go out and have some coffee and naturally, talk about the House. What's right and what's wrong about this place, politics and one thing or another. He talked about his military service a little bit, and like most military men, he kept it close to the vest. In one of these conversations, he got quiet. We were talking about the Korean experience. As an intelligence officer, he would select men, Koreans, to infiltrate the North Korean government. He said to me very solemnly at one point, "You know, I knew I was sending them to their death." He also knew the people who were taking on the assignment knew their chances of survival in that repressive regime were pretty small. The ways they would get them into the country were like a lot of the things you see in the movies. It was a scary business. The reports back from those enterprises were generally pretty bleak. So, he'd seen a side of war and conflict which is quite a lot different from the sort of thing that maybe McNamara or Westmoreland saw. Where they saw men were numbers; for Bob men were personalities, people he liked, maybe loved and fellow compatriots in that effort.

I think all I would like to leave you with is that we have a lot of wonderful people in this room, we have interesting histories. Barker's was one that was certainly very remarkable to me. He used to say every now and then, "You know this job would be great, if it wasn't for your constituents." We know both sides of that. But when he said it, because of that experience he had in Korea, and because he certainly didn't have to come and serve any longer than he had in the Air Force. He didn't have to come here and do more time. What he was saying, was the bottom line is because they are constituents, because of his obligation to serve them in the best possible way in this institution, it placed a terrible obligation on him. He took it very seriously.

So I would like you to think about keeping him in your prayers and his wife in your prayers. I was given a little bit of information at the ceremony by the Speaker. He said that last week before the session, when they test every one of these voting stations to see that they are all operational – the only one that was not working was Bob Barker's. Thank you.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
 Adopted.

The House recessed at 3:45 p.m.

RECESS

(Rep. Ryan in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 334, 413, 460, 544, 649, 1147 and 1765 and Senate Bills numbered 256, 274, 296, 349, 379 and 396.
 Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

SB 289-FN, relative to the brain and spinal cord advisory council. (Amendment printed SJ 5/11/06)
 Adopted.

SENATE MESSAGE**NONCONCURRENCE**

HB 121, relative to local land use approval for facilities requiring certain pollution control permits.
HB 278, relative to the alternative budget procedure in school administrative units.
HB 489, relative to disclosing an ownership interest in certain health care facilities and businesses.
HB 1177, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.
HB 1631, relative to property taxation of certain property of the Appalachian Mountain Club.

RECESS

(Rep. Daniel Eaton in the Chair)

SENATE MESSAGES**CONCURRENCE**

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners.
HB 317-FN, relative to mooring fees.
HB 345, requiring photo identification to obtain a ballot.
HB 624-FN, relative to penalties in certain health and health-related professions.
HB 1135, making a technical correction to the Uniform Interstate Family Support Act.
HB 1173, relative to designating the clerk in cities the chief elections officer for the city.
HB 1189, relative to audits by the legislative budget assistant.
HB 1227-FN, relative to late fees and reinstatement fees paid by business entities.
HB 1231-FN, relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer.
HB 1313, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge.
HB 1324, relative to the commission to study the state park system.
HB 1356, relative to on-board diagnostic system inspections.
HB 1361, relative to the penalty for shoplifting.
HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation.
HB 1465-FN, relative to food stamp overpayments.
HB 1584, relative to cemetery setbacks and septic systems.
HB 1718-FN, requiring a written disclosure statement be provided to prospective nursing home facility clients.
HB 1722-FN, relative to the New Hampshire council on developmental disabilities.
HCR 22, relative to the right to pursue a livelihood in natural resources industries.
HJR 21, urging the university of New Hampshire to restore intercollegiate baseball and softball.

NONCONCURRENCE

HB 234-FN, relative to the development of a state and political subdivision information network.
HB 1153, establishing a commission to study the laws and rules relating to subpoenas, summonses and complaints.

HB 1162, relative to village districts.

HB 1563, establishing a committee to study immigration.

RECESS**(Speaker Scamman in the Chair)**

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 14

Wednesday, April 19, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

O God of highways and hospitals, of hearts and hopes, of homeless persons and this House of Representatives, receive at the outset of this session our deep gratitude for this beautiful day. Help us to seize upon it, and every day as a unique treasure from You, a gift to be welcomed and an opportunity to further the high and noble causes to which we all aspire, regardless of any label we might ascribe to ourselves or to others.

We pray for an awareness of Your Holy Spirit as it seeks to make itself known and heard in the fullness of today's agenda. Give us brief pauses, if not in the debates, then in our thoughts, by which we might make room for You to reach through our defenses and speak to us. Lead us, we ask, in the ways of good and faithful leadership on behalf of the common good of all persons who call New Hampshire their home. At the end of the day, may we return home with the satisfaction of knowing that we had tried our very best to do Your work.

We give thanks that Karen Wadsworth is well enough to be returning gradually to her work and leadership among us, and pray for her continued recovery. We pray, likewise, for those members of the House who are homebound or hospitalized: Robert Chabot and Bruce Hunter, and any others whose names have not been spoken but whose needs are named in our hearts. Amen.

Rep. Earle Goodwin, member from Dover, led the Pledge of Allegiance.

The National Anthem was sung by Danielle Osburn, a 12-year-old student from Bedford.

LEAVES OF ABSENCE

Reps. Carlson, Chabot, Gibson, Hunter, Paula Johnson, Lefebvre, Putnam, Snyder and Whiting, the day, illness.

Reps. Aboshar, Gene Andersen, Biundo, Bridle, David Campbell, Carter, Chandler, Mark Clark, Danforth, Dowling, Forsing, Foster, Gale, Heon, Hogancamp, Hollinger, Lessard, Michon, Mirski, Moody, Moran, Morneau, Pappas, Pelkey, Serlin, Stohl, Tahir, Wiley and Burton Williams, the day, important business.

Reps. MaryAnn Blanchard, Norelli and Robert Williams, the day, illness in the family.

INTRODUCTION OF GUESTS

Honorable Paul McGuirk, guest of Rep. John Pratt. Heather Kelly, Heather Theriault, Tyler McIver, Matt Clark, Cameron Walker and Charlotte Curtis, guests of Rep. Ryan. Alphonsine and Stephanie Adams, Cassandra and Lisa Ball, Drika Church, Isaac, Brianna and Andrea Fithian, Kaleb, Nathan, Sarabeth, Carolyn, Abigail and Linda Hart, guests of Rep. Katherine Taylor. Tracy Foote and Christopher Yoerger, daughter and grandson of Rep. Foote. Noel, Mitchell and Duncan Pierce, daughter and grandsons of Rep. Mitchell. David and Robert Law, guests of Rep. Mason. Edward D. Cormier, guest of Rep. Greco. Colonel Charles McLean, Retired USMC, guest of Rep. Albert. George, Beth and Tessie Carenbauer, brother, sister-in-law and niece of Rep. Hamm.

Anthony Conti, Stratham Technical College student, Page for the Day.

INTRODUCTION OF SPECIAL GUESTS

Members of the Belmont High School Girls Basketball Team, 2006 Class M State Champions, team captains, Chelsi Coulombe, Rachel Eades, Lori Kjellander and Drew O'Conner, along with Kayla Aragona, Rheanna Bellamo, Jerica Dion, Marissa Donovan, Laura Guay, Jonara Ladd and Kristi Parent and accompanied by Coaches Gerry Blair, Roger Landry and Rebecca Morse.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit the deadline of last day to act on the following Senate Bills going to a second committee, be moved to April 19, 2006.

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor.

SB 374-FN, relative to the state children's health insurance program.
Adopted by the necessary two-thirds.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. (Amendment printed SJ 04/06/06)
Rep. Welch moved that the House concur and spoke in favor.
Adopted.

HB 1108, relative to the transfer of funds among PAUs within a department. (Amendment printed SJ 04/06/06)
Rep. King moved that the House concur and spoke in favor.
Adopted.

HB 1294, relative to antique snowmobiles. (Amendment printed SJ 04/06/06)
Rep. Robert L'Heureux moved that the House concur and spoke in favor.
Adopted.

HB 1420-FN, prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16. (Amendment printed SJ 04/06/06)
Reps. Robert L'Heureux and Welch moved that the House concur and spoke in favor.
Adopted.

HB 1228-FN, relative to the sale or lease of state-owned real estate. (Amendment printed SJ 04/06/06)
Reps. Chandler and Bergin moved that the House concur and spoke favor.
Adopted.

HB 1754, relative to canteen privileges at veterans' clubs licensed by the liquor commission. (Amendment printed SJ 04/06/06)
Rep. Coughlin moved that the House concur and spoke in favor.
Adopted.

HB 599-FN, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles. (Amendments printed SJ 01/18/06 and 02/16/06)
Rep. Packard moved that the House concur and spoke in favor.
Adopted.

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. (Amendment printed SJ 04/06/06)
Rep. Sheila Francoeur moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Sheila Francoeur, Infantine, Charles Clark and DeJoie.

HB 349, relative to placement and removal of political advertising. (Amendment printed SJ 04/06/06)
Rep. Whalley moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. O'Brien, Janet Allen, Millham and Harvey.

HB 1724-FN, relative to compensation and benefits for reserve and National Guard members who are state employees. (Amendment printed SJ 04/06/06)
Rep. King moved that the House nonconcur and request a Committee of Conference.
Adopted.
The Speaker appointed Reps. Stone, Robert Wheeler, Ingram and Franklin.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 234, including the International Residential Code 2000 in the definition of the state building code, removed by Rep. Bergin.

SB 252, relative to certification of speech-language assistants for purposes of speech language pathology practice, removed by Rep. Hagan.

SB 354-FN, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system, removed by Rep. Bergin.

SB 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts, removed by Rep. Dokmo.

Consent Calendar adopted.

SB 391-FN, relative to insurance third party administrators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald H. Flanders for Commerce: This bill is at the request of the Insurance Department and clarifies the procedures regarding third party administrators for the purpose of insurance. It also specifically exempts any self-funded governmental plan that is exempt from the provisions of the Employee Retirement Income Security Act pursuant to 29 USC 1003 (b) (1). Vote 19-0.

Amendment (1736h)

Amend the introductory paragraph of RSA 402-H:1, I and I(a)-(c) as inserted by section 1 of the bill by replacing them with the following:

I. "Administrator" or "third party administrator" or "TPA" means a person who directly or indirectly underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state, in connection with life, annuity, or health coverage or workers' compensation insurance, other than persons subject to regulation under RSA 281-A:5-d offered or provided by an insurer or under a self-funded governmental plan that is exempt from the provisions of the Employee Retirement Income Security Act pursuant to 29 U.S.C. section 1003(b)(1), except any of the following:

(a) An employer, or a wholly owned direct or indirect subsidiary of an employer, on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of such employer.

(b) A union on behalf of its members.

(c) An insurer that is authorized to transact insurance in this state pursuant to RSA 401 or a subsidiary or affiliated corporation of such insurer if the insurer and the subsidiary or affiliated corporation have overlapping directorates.

Amend RSA 402-H:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Insurer" means, for the purposes of this chapter only and except as provided in RSA 402-H:6, a person undertaking to provide life, annuity, or health coverage or workers' compensation insurance or self-funded coverage under a multiple employer welfare arrangement or a church plan in this state. For the purposes of this chapter, "insurer" may include an employer, a licensed insurance company, a prepaid hospital or medical care plan, or a health maintenance organization.

Amend RSA 402-H:1, IX-XII as inserted by section 1 of the bill by replacing them with the following:

IX. "Overlapping directorates" as applied to insurers and subsidiaries or affiliated corporations means that an insurer and a subsidiary or affiliated corporation of such insurer share a majority of their board of directors and officers.

X. "Person" means an individual or a business entity.

XI. "Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

XII. "Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

XIII. "Underwrites" or "underwriting" means, but is not limited to, the acceptance of employer or individual applications for coverage of individuals in accordance with the written rules of the insurer or self-funded plan for the overall planning and coordinating of a benefits program.

Amend RSA 402-H:4, IV(a) as inserted by section 3 of the bill by replacing it with the following:

(a) *May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to paragraph II, with other state, fed-*

eral, and international regulatory agencies, with the National Association of Insurance Commissioners (NAIC), its affiliates or subsidiaries and with state, federal, and international law enforcement authorities, provided, that the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information. Such parties shall agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this paragraph, unless the prior written consent of the company to which it pertains has been obtained;

Amend RSA 402-H:11, VIII as inserted by section 8 of the bill by replacing it with the following:

VIII. An administrator licensed or applying for a certificate of authority that administers or will administer benefit plans that are fully insured by an insurer that is not licensed in this state, multiple employer welfare arrangements, or church self-insured plans shall maintain a surety bond for the use and benefit of the commissioner that covers individuals and persons in New Hampshire who have remitted premiums or insurance charges or other moneys to the administrator in the course of the administrator's business in the greater of \$100,000 or 10 percent of the administrator's average daily client account balance during the preceding calendar year. However, in no event shall the bond be more than \$1,000,000. If an administrator cannot obtain a bond, then another security, including, but not limited to, cash or negotiable securities in an amount equal to the amount of the required surety bond shall be set aside in one or more trusted bank accounts in the state of New Hampshire under trust terms that require the commissioner's signature for any account activity, except the accumulation of interest or other funds into the account, and that allows the commissioner, by order, to disburse the trust funds for the satisfaction of policyholder or customer claims.

Amend RSA 402-H:11-a and 402-H:11-b as inserted by section 9 of the bill by replacing it with the following:

402-H:11-a Registration Requirement A person who directly or indirectly underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state, and who is not otherwise required to obtain a certificate of authority or license in connection with life, annuity, or health coverage provided by a self-funded plan shall register with the commissioner by March 1 of each year, verifying its status as herein described. The registration requirement shall not apply to those persons or entities that are specifically exempted by RSA 402-H:1, I. Registrants under this section shall not be required to hold a certificate of authority as an administrator in this state or to meet the other requirements of this chapter.

402-H:11-b Exemption. An association administering a pooled risk management program operated pursuant to RSA 5-B or conducting business that is exempt from taxation under the Internal Revenue Code, section 115 shall not be required to obtain a certificate of authority or to meet the other requirements of this chapter for services provided in connection with the administration of its pooled risk management plans or its section 115 business, but shall be required to register with the commissioner pursuant to RSA 402-H:11-a. Pooled risk management program registration may be accomplished by providing the commissioner a copy of the informational filing required to be filed with the department of state pursuant to RSA 5-B:4.

Amend the introductory paragraph of RSA 402-H:12, I(a) as inserted by section 10 of the bill by replacing it with the following:

I.(a) Each *licensed* administrator shall file an annual report for the preceding calendar year with the commissioner on or before ~~March 1~~ **June 1** of each year, or within such extension of time as the commissioner for good cause may grant. *The annual report shall include an audited financial statement performed by an independent certified public accountant. An audited financial/annual report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet that shall be filed with the report and include the following:*

Amend the introductory paragraph of RSA 420-G:11, II(a) as inserted by section 13 of the bill by replacing it with the following:

II. (a) All health carriers, *licensed third party administrators, and any entity required to be registered with the commissioner pursuant to RSA 402-H*, shall electronically provide:

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Laura C. Pantelakos for Criminal Justice and Public Safety: The committee felt this position would help the Department of Corrections resolve some of the problems at the New Hampshire

State Prison for Women. This person will write grants and develop programs. It was felt that this would help to control some of the lawsuits the state is faced with now. The New Hampshire State Prison for Women is currently at capacity and an additional forty inmates are incarcerated at Shea Farm in Concord. This position, and the interagency council, will be helpful as we continue to discuss all issues with the Department of Corrections. Vote 16-2.

Amendment (1705h)

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Administrator of Women Offenders and Family Services; Council Established. Amend RSA 21-H by inserting after section 14-a the following new sections:

21-H:14-b Administrator of Women Offenders and Family Services.

I. There is hereby created the position of administrator of women offenders and family services within the department of corrections. The administrator shall be responsible for programming and services for women offenders in the state adult correctional system including probation, parole, and state correctional facilities. The administrator of women offenders and family services shall be a classified position.

II. The administrator may:

(a) Establish goals and objectives for state correctional systems within the framework of the department's philosophy, including planning, organizing, implementing, directing, and monitoring state gender-responsive programs and services, as well as developing policies, procedures and standards for the provision of such programs and services. The administrator shall participate in the development, implementation, and review of all policies, directives, and standards that involve supervision of women offenders. The administrator shall also coordinate continuum and continuation of gender-responsive services to women offenders moving from one setting to another, and re-entering their communities.

(b) Write standards for, execute, and monitor all non-clinical contracts with service providers who work exclusively with women offenders. The administrator shall review and provide feedback on an ongoing basis on all clinical contracts and services for women offenders regarding consistency with contract language and gender-responsive principles.

(c) Establish and coordinate partnerships, and maintain working relationships within the department of health and human services, with other government agencies, with communities and with community-based organizations, volunteers, advocacy groups, the academic community, and other external stakeholders.

(d) Provide supervision and technical assistance to the women's facility warden and field managers regarding issues related to women offenders and gender-responsive programs, services, and practices. The administrator shall provide input into the evaluations of other facility wardens, field managers, and personnel relative to their roles in the supervision and provision of services for women offenders.

(e) Provide input regarding necessary data collection and evaluation to measure effective programming and supervision of women offenders. The administrator shall consult with and provide input with other directors regarding appropriate levels of staffing in both the field and institutions responsible for the management of women offenders. The administrator shall also confer with and make recommendations to the commissioner regarding women offender supervision and services and oversee the planning, development, and implementation of training guidelines for staff working with women offenders, and recommend changes in duties assigned to casework and security staff who work with women offenders.

(f) Act as a resource in cases of staff sexual misconduct involving women offenders and provide input into personnel actions for addressing misconduct involving staff who work with women offenders and misconduct involving women offenders.

III. The administrator shall:

(a) Prepare budget recommendations regarding women offenders' program services consistent with the departmental budget cycle. The administrator shall also engage in budget formation, grant applications, and resource allocation activities related to women offenders as assigned.

(b) Act as liaison to the interagency coordinating council for women offenders and the department of corrections.

21-H:14-c Interagency Coordinating Council for Women Offenders.

I. There is established an interagency coordinating council for women offenders.

II.(a) The members of the council shall be as follows:

- (1) One member of the governor's office, appointed by the governor.
- (2) One member of the senate, appointed by the president of the senate.
- (3) One member of the house of representatives, who shall be knowledgeable about county corrections, appointed by the speaker of the house of representatives.
- (4) The executive councilor representing district 5/Goffstown.
- (5) The commissioner of corrections.
- (6) The warden of the state prison for women.
- (7) The commissioner of health and human services, or designee.
- (8) The director of division of children, youth and families, or designee.
- (9) The attorney general, or designee.
- (10) The chief justice of the superior court, or designee.
- (11) The chief justice of the supreme court, or designee.
- (12) The commissioner of the department of education, or designee with knowledge of

Title IX, Carl Perkins Grants, and other federal funding sources.

(13) One member from the Hillsborough county government, appointed by the New Hampshire Association of Counties.

(14) One former inmate of the state prison for women who is no longer under correctional supervision, appointed by the governor.

(15) A representative from the New Hampshire commission on the status of women, appointed by the governor.

(16) A representative from the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the governor.

(17) A representative from New Hampshire Task Force on Women and Addiction, appointed by the governor.

(18) A representative from the Citizens Advisory Committee of the New Hampshire State Prison for Women, appointed by the governor.

(19) A community member with knowledge of correctional practices with particular expertise with female offenders, appointed by the governor.

(b) Legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The duties of the council shall be as follows:

(a) Identify opportunities for interagency cooperation in the effective management of female offenders.

(b) Develop memoranda of understanding outlining "in-kind" services or cooperation to provide services to incarcerated women and their children.

(c) Develop cross training opportunities to foster understanding of system responses to the shared population across agencies of incarcerated women and their children.

(d) Develop gender-specific treatment for co-occurring conditions and a continuity of treatment from incarceration to community.

(e) Coordinate interagency case management and re-entry planning.

(f) Assess the impact of incarceration on family relations during and after incarceration.

(g) Apply and administer federal and private sector grants for the furtherance of the duties of the council and the development of gender-responsive, trauma-informed management of female offenders and their children.

IV. The council shall meet at least monthly during its first year, then at least quarterly thereafter. The members of the council shall elect a chairperson from among the members. The first meeting of the council shall be held within 45 days of the effective date of this section. The first meeting of the council shall be called by the senate member. The council shall convene at the call of the chair when deemed necessary by the chairperson.

V. The term of each member appointed under paragraph III who has a term of office shall be coterminous with their term in office. The terms of the remaining members shall be for 3 years. Vacancies shall be filled for the remainder of the term in the same manner and from the same group as the original appointment.

VI. The council shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library annually on or before November 1.

2 New Classified Position; Funding. The position of administrator of women offenders and family services established under RSA 21-H:14-b, as inserted by section 1 of this act, shall be a classified position at labor grade 33. Funding for this position shall not affect the general fund appropriations reduction required in 2005, 176: 11. The funding for the administrator of women offenders and family services position shall be from the department of corrections' fiscal year 2007 operating budget.

3 Effective Date. This act shall take effect July 1, 2006.

Referred to the committee on Finance.

SB 353-FN, relative to registration of criminal offenders convicted of homicide. **REFER FOR INTERIM STUDY.**

Rep. E. Albert Weare for Criminal Justice and Public Safety: The existing statute RSA 651-A: 11, appears to cover the intent of this bill. However, there are several issues that seem to indicate problems. Coordination in this matter by the adult parole board and Interim Study would allow the establishment of a concise procedure agreeable to all. Vote 14-5.

SB 260, relative to certification of a registered nurse responsible for emergency medical transportation. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill adds a registered critical nurse to the list of personnel able to accompany a patient being transferred by ambulance from one hospital to another. Currently, two EMTs are required with the option of having a registered emergency nurse, an emergency physician or emergency physician assistant replace one of the EMTs. The concern from rural hospitals was that an ambulance might have to wait if there was only one emergency nurse or one physician available to replace an EMT. Vote 14-1.

SB 302-FN, relative to real estate brokers. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter F. Bergin for Executive Departments and Administration: The committee felt that by changing the notification time from ten days to five for a principal real estate broker changing their place of business was too short and unfair. Further, the bill would allow a realtor to advertise that part of their commission could be given to the seller's favorite charity directly by the realtor. Under current law, such a donation has to be paid by the seller. The committee did not feel that this was appropriate. Vote 13-0.

SB 305-FN, relative to the regulation of recreational therapists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judson K. Dexter for Executive Departments and Administration: This bill had the unanimous support of the committee with four minor changes: First, a clarification on the definition of services offered by a recreation therapist to ensure understanding of the areas of responsibility between occupational therapists and recreational therapists, both of which are members of the Allied Health Board. Second, a grandfathering clause to prevent harming recreational therapists during the transitional period. Third, stipulating that the National Council for Therapeutic Recreation Certification (NCTRC) is the only national standard for the exam, and fourth, clarification of the continuing education requirements. This will not interfere with or inhibit volunteer programs in any way. Finally, use in public schools is exempt and there is no problem with RSA 28-A. Vote 15-0.

Amendment (1683h)

Amend the introductory paragraph of RSA 326-J:1, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) For purposes of accomplishing therapeutic recreation goals, recreational therapy may include:
Amend RSA 326-J:5, I(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Successfully complete the proctored examination administered by the NCTRC.

Amend RSA 326-J:5 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Notwithstanding paragraph I, the board may grant initial licenses to recreational therapists who were certified by the NCTRC prior to July 1, 2007 and who hold an active CTRS credential.
Amend RSA 326-J:6, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Meet continuing competency requirements by completing a minimum of 30 hours of continuing education in formal courses approved by the board and other requirements established by the board rules adopted pursuant to RSA 541A.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 2007.

SB 317-FN, establishing a screening panel to review complaints to occupational and professional regulatory boards and establishing an appeals board to review decisions by occupational and professional regulatory boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee is sympathetic to the sponsors' concerns with the Board of Medicine. However, the bill would apply to every occupational, professional and regulatory board and commission in the state. Further, we just passed legislation that requires a performance audit of the Board of Medicine, which will address the implied problems with recommendations for correction. This has worked for the Board of Mental Health and others. Vote 16-0.

SB 342, relative to the treatment of glaucoma by optometrists. **OUGHT TO PASS.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill addresses changes in the optometry (OD) practice related to glaucoma. Both the ophthalmologists and optometrists agreed to the changes in this bill. Vote 14-0.

SB 404, relative to retirement benefits, service credits, and administration of the Manchester employees' contributory retirement system. **OUGHT TO PASS.**

Rep. Maurice L. Pilote for Executive Departments and Administration: This bill allows the Manchester contributory retirement system to make the following benefits available to its members: (1) rollover of section 415 of IRS code – qualified funds to purchase earned service credit; (2) calculation of benefits and optional benefits. The bill also provides: (1) for the correction and or collection for benefits underpayments or overpayments and (2) for requiring spousal acknowledgement of retirement options by retirees. Vote 15-0.

SB 286-FN, relative to notice to defendants in small claims actions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James E. Wheeler for Judiciary: This bill changes the way initial notice is sent to defendants in small claims actions, from certified mail to first class mail. Certain protections were built into the law to provide for service by the sheriff, if the defendant does not respond. The committee believes that this will be as effective as certified mail and also provide a more efficient process than the one currently in place. Because the elimination of certified mail results in a cost savings, the committee believes the savings should be passed on to the plaintiff and, accordingly, reduced the legislatively mandated surcharge by five dollars, the approximate amount of the savings. Vote 18-0.

Amendment (1770h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to notice to defendants in small claims actions and reducing a surcharge on entry fees for small claims actions.

Amend the bill by replacing all after the enacting clause with the following:

1 Small Claims Actions; Notice to Defendant. RSA 503:6 is repealed and reenacted to read as follows:

503:6 Notice to Defendant.

I. The court shall cause notice of the claim and the substance thereof to be given to the defendant, whether or not the defendant is a resident of this state, by sending a written statement to the defendant by postpaid first class mail, addressed to the defendant at the defendant's last known post office address and directing the defendant to indicate, in writing within 30 days from the date said notice is mailed, the defendant's desire to be heard. The notice shall inform the defendant that failure to respond in writing shall result in the service of the claim on the defendant by the sheriff, or in such other manner as the court shall order, the cost of which shall be the responsibility of the defendant if the plaintiff prevails.

II. If the notice is returned as undelivered, or the defendant does not respond in writing within 30 days, then the court shall direct the plaintiff to complete service on the defendant, at the expense of the plaintiff, as in all other actions at law.

III. If the defendant responds to the notice indicating a desire to be heard, the case shall be scheduled for hearing shortly thereafter. Both parties shall be notified by mail of the date and time of hearing, at least 14 days in advance.

2 Entry Fees; Small Claims Actions. Amend RSA 490:24, II to read as follows:

II. *Except for small claims actions as provided in paragraph III*, the sum of \$20 shall be added to each case entry fee and fee for a motion to bring forward collected in the supreme, superior, district, family, and probate courts, and these sums shall be deposited in the general fund.

III. The sum of \$15 shall be added to each case entry fee and fee for a motion to bring forward collected for small claims actions in the district courts, and these sums shall be deposited in the general fund.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill changes requirements for notice to parties in small claims actions. This bill also reduces a surcharge on entry fees for small claims actions.

SB 231, relative to the residency requirement to qualify for the elderly property tax exemption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nancy K. Johnson for Municipal and County Government: This bill eliminated any residency requirement to qualify for the elderly property tax exemption. The committee understood that the intent was to make it easier for new elderly residents to qualify for the exemption, but felt that some residency requirement was prudent. There are other exemptions that are subject to residency requirements and there was no compelling testimony to eliminate the requirement completely. As a compromise, the original bill was amended to change the residency requirement to 3 years rather than none. Vote 14-0.

Amendment (1586h)

Amend the bill by replacing all after the enacting clause with the following:

1 Conditions for the Elderly Exemption. Amend RSA 72:39-a, I(a) to read as follows:

(a) Has resided in this state for at least [5] 3 consecutive years preceding April 1 in the year in which the exemption is claimed.

2 Elderly Exemption; Procedures. Amend RSA 72:39-b, II to read as follows:

II. An elderly exemption, based on assessed value for qualified taxpayers, may be granted for a different dollar amount determined by the town or city, to a person 65 years of age up to 75 years, to a person 75 years of age up to 80 years, and to a person 80 years of age or older. To qualify, the person must have been a New Hampshire resident for at least [5] 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income in each applicable age group of not more than a dollar amount determined by the town or city of not less than \$13,400 or, if married, a combined net income of not more than a dollar amount determined by the town or city of not less than \$20,400; and own net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the person's residence or, if married, combined net assets not in excess of a dollar amount determined by the town or city of not less than \$35,000 excluding the value of the residence. Under no circumstances shall the amounts of the exemption for any age category be less than \$5,000. The combined net asset amount for married persons shall apply to a surviving spouse until the sale or transfer of the property by the surviving spouse or until the remarriage of the surviving spouse.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the 5-year residency requirement of applicants for the elderly property tax exemption to a 3-year requirement.

SB 269, ratifying certain actions at the 1996 Seabrook annual town meeting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gilman C. Shattuck for Municipal and County Government: This seeks to ratify certain actions taken at the 1996 Seabrook annual town meeting. It was the full intent of the town of Seabrook to become an official ballot town when the town voted on Article 3 of the Town Warrant on March 12, 1996. Although the town voted to become an official ballot town, they fail to also vote to change their charter. Due to the fact that Seabrook is a charter community, it would also require a vote to amend the charter to become an SB 2 town. The committee heard testimony that there had not been any attempt to change the form of government since this vote in 1996. All meetings of the town were televised so that the citizens of Seabrook were kept informed of the actions of the municipality. The Secretary of State as well as the Attorney General's Office was consulted to determine the appropriate language for the amendment. The amendment legalizes, ratifies, and confirms actions taken at the March 12, 1996 Seabrook Annual Town Meeting with regard to Article 3 of the Town Warrant. Vote 15-0.

Amendment (1818h)

Amend the bill by replacing all after the enacting clause with the following:

1 Ratification of Actions since the 1996 Seabrook Annual Town Meeting. All acts, notices, votes and proceedings of the Town of Seabrook since 1996 and until the effective date of this act are hereby legalized, ratified, and confirmed against any challenge arising out of the adoption of Article 3 of the Seabrook town meeting held on March 12, 1996.

2 Effective Date. This act shall take effect September 12, 2006.

SB 254, renaming a certain bridge in the town of Stratford the Janice Peaslee Bridge. **OUGHT TO PASS.**

Rep. Gene G. Chandler for Public Works and Highways: Representative Janice Peaslee is a Vermont Legislator who almost single-handedly fought the battle; not only in her state; but ours, to reopen the bridge between Stratford, New Hampshire and Maidstone, Vermont. This bridge provides a vital link between the two states, not only providing faster emergency services, but also economic benefits to both states, thereby helping New Hampshire's North Country economy. North Country legislators and the Town of Stratford are in favor of naming this bridge for the person most responsible for its rebirth. Vote 12-2.

SB 233, relative to motorcycle rider education. **OUGHT TO PASS.**

Rep. Sherman A. Packard for Transportation: This bill makes a minor change in the current motorcycle education program. It allows for the state to use a national recognized motorcycle education program other than the Motorcycle Safety Foundation Course. Vote 10-0.

SB 281-FN, establishing an organ and tissue donor registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen H. Nedeau for Transportation: This bill establishes a donor registry for anatomical gifts, allowing people to indicate their wishes to the division of motor vehicles. The only change to the present bill is adding the word address to now say, "serving the state access to names, dates of birth, address and dates of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and tissue donors for the purpose of identifying those individuals as organ and tissue donors". Vote 12-0.

Amendment (1599h)

Amend RSA 263:41, I as inserted by section 4 of the bill by replacing it with the following:

I. The director shall provide to federally-designated organ procurement organizations serving the state access to names, dates of birth, addresses, and dates of registration of licensed drivers and individuals who obtain a nondriver's picture identification card who have registered with the division of motor vehicles as organ and tissue donors for the purpose of identifying those individuals as organ and tissue donors. Such access shall be provided only with the prior written consent of the donor and shall be provided in a manner and form to be determined by the director following consultation with such organizations, and shall include electronic transmission of initial information and periodic updating of information.

SB 288-FN, relative to street rods. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherman A. Packard for Transportation: This bill, as introduced, would have changed the current street rod laws. It would have weakened the safety requirements. The Senate amended it, but did not fix the changes it would have made to current street rod legislation. We looked at several different amendments, but the committee felt that they would be counterproductive. The committee felt that there was no compelling reason to change the law, especially when there was an outpouring of protest about this bill from the National Street Rod Association and citizens who have invested lots of money in these custom cars. Vote 11-0.

SB 357-FN, relative to eligibility for motorcycle licenses. **OUGHT TO PASS.**

Rep. Sherman A. Packard for Transportation: This is one of three bills put forth this session to try to decrease the increase in motorcycle accidents and fatalities. This bill will require anyone seeking a motorcycle permit to pass a written test before receiving a permit. It will also require anyone who fails the motorcycle driver test twice (given by the Department of Safety) to take the motorcycle education course. It is a fact that new riders who have not taken the motorcycle education

course are much more likely to be involved in an accident or fatality. This bill has been endorsed by the New Hampshire Motorcyclists' Rights Organization which has represented New Hampshire motorcyclists for over 30 years. Vote 12-0.

REGULAR CALENDAR

SB 374-FN, relative to the state children's health insurance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Martha S. McLeod for Commerce: This bill, as amended, requires the Department of Health and Human Services to expend the funds appropriated by the House for the New Hampshire Healthy Kids Program for that purpose and not to transfer or expend the funds on any other program. Vote 17-2.

Amendment (1783h)

Amend the bill by replacing all after the enacting clause with the following:

1 Healthy Kids Corporation; State Children's Health Insurance Program; Appropriation. Notwithstanding any other law, the entire amount appropriated in PAU 05-01-02-01-05, class 91, for the biennium ending June 30, 2007 shall be expended for program and administrative costs of the state children's health insurance program. All premiums accrued and collected from families shall be applied to the program costs. This appropriation shall not be transferred or used for any other purpose and shall not lapse.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the department of health and human services to expend the funds appropriated for the state children's health insurance program for that purpose and not to transfer or expend the funds on any other program.

Amendment adopted.

Committee report adopted.

Referred to the committee on Finance.

SB 324, requiring notification concerning certain offenders against children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter M. Sullivan for Criminal Justice and Public Safety: This bill is enabling legislation. Under this bill, municipalities would be allowed to enact ordinances requiring neighbors of registered sex offenders be notified of the offender's presence in the community. A municipality that chooses to enact such an ordinance would be able to establish its own definition of "neighbor"; this way, communities as diverse as Manchester and Whitefield can tailor the ordinance to meet their own unique circumstances. The majority of the committee believes that this legislation is a sensible way of helping communities protect their residents through the responsible sharing of information. Vote 10-9.

Amendment (1681h)

Amend RSA 651-B:7, IV(c) as inserted by section 1 of the bill by replacing it with the following:

(c) A municipality may adopt an ordinance which requires that the neighbor of any person whose name appears on the list compiled under this section, and who has established residency in the municipality, be notified that such person is residing in the community. The local governing body shall establish the definition of "neighbor" that is best suited to the particular municipality.

AMENDED ANALYSIS

This bill allows a municipality to adopt an ordinance requiring that the neighbor of any person whose name appears on the list compiled under RSA 651-B:7, II, and who has established residency in the municipality, be notified of such person's release.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Robinson spoke against and yielded to questions.

Rep. Peter Sullivan spoke in favor and yielded to questions.

LAIID ON THE TABLE

Rep. Vaillancourt moved that **SB 324**, requiring notification concerning certain offenders against children, be laid on the table.

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 201 NAYS 125**YEAS 201****BELKNAP**

Clark, Charles
Thomas, John

Morrison, Gail
Veazey, John

Pilliod, James
Wendelboe, Fran

Rosen, Ralph
Whalley, Michael

CARROLL

Babson, David Jr
Martin, James

Brown, Carolyn
Patten, Betsey

Buco, Thomas
Philbrick, Donald

Dickinson, Howard

CHESHIRE

Allen, Peter
Coates, Christopher
Hunt, John
Pratt, John
Tilton, Anna

Butcher, Suzanne
Dexter, Judson
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Butynski, William
Dunn, J Timothy
Parkhurst, Henry
Robertson, Timothy

Chase, William
Espiefs, Peter
Plifka, Stanley Jr
Sawyer, Sheldon

COOS

Buzzell, Bernard
Theberge, Robert

Mears, Edgar

Merrick, Scott

Remick, William

GRAFTON

Aguiar, James
Hammond, Lee
McLeod, Martha

Almy, Susan
Harding, A Laurie
Mulholland, Catherine

Benn, Bernard
Ingbreton, Paul

Cooney, Mary
Maybeck, Margie

HILLSBOROUGH

Baroody, Benjamin
Buhlman, David
Cote, Peter
Desmarais, Vivian
Egbers, Fran
Garrity, Patrick
Graham, John
Irwin, Anne-Marie
Lawrence, James
O'Connell, Timothy
Ross, Lawrence
Shaw, Kimberly
Vaillancourt, Steve
Wheeler, Robert

Beaulieu, Jane
Chase, Claudia
Coughlin, Pamela
DeVries, Betsi
Essex, David
Ginsburg, Ruth
Hall, Betty
Jean, Claudette
McRae, Karen
Pilotte, Maurice
Schulze, Joan
Slocum, Lee
Velez, Hector

Bergeron, Jean-Guy
Christensen, D L Chris
Craig, James
Dokmo, Cynthia
Francoeur, Bea
Goley, Jeffrey
Harvey, Suzanne
Kopka, Angeline
Messier, Irene
Rochette, Eric
Shattuck, Gilman
Souza, Kathleen
Villeneuve, Maurice

Boehm, Ralph
Clemons, Jane
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Holden, Randolph
Lasky, Bette
Mooney, Maureen
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Francis
Wheeler, James

MERRIMACK

Anderson, Eric
Clarke, Claire
Foose, Robert
Hess, David
Marple, Richard
Potter, Frances
Walz, Mary Beth

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
L'Heureux, Stephen
Maxfield, Roy
Reardon, Tara
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
McMahon, Patricia
Soltani, Tony

Brueggemann, Donald
Field, William
Hamm, Christine
MacKay, James
Osborne, Jessie
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Casey, Kimberley
Fesh, Bob

Allen, Mary
Cady, Harriet
Cooney, Richard
Flockhart, Eileen

Belanger, Ronald
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Francoeur, Sheila

Bicknell, Elbert
Carson, Sharon
Dumaine, Dudley
Gillick, Thomas

Gould, Kenneth
Itse, Daniel
Langley, Jane
Morris, Richard
Powers, James
Robinson, John
Weare, E Albert
Zolla, William

Hopfgarten, Paul
Johnson, Robert
Major, Norman
Nowe, Ronald
Priestley, Anne
Rolston, James
Weldy, Norman

Hutchinson, Karen
Katsakiores, George
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Wells, Roger

Ingram, Russell
Katsakiores, Phyllis
Moore, Benjamin
Pantelakos, Laura
Quandt, Matthew
Stiles, Nancy
Weyler, Kenneth

STRAFFORD

Albert, Russell
Brown, Lawrence
Domingo, Baldwin
Kaen, Naida
Smith, Marjorie

Bickford, David
Chaplin, Duncan
Goodwin, Earle
Rollo, Michael
Spang, Judith

Brown, Jennifer
Cilley, Nalcyn
Grassie, Anne
Rous, Emma
Twombly, James

Brown, Julie
Creteau, Irene
Johnson, Nancy
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Rodeschin, Beverly

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

Franklin, Peter
Prichard, Stephen

NAYS 125

BELKNAP

Allen, Janet
Heald, Bruce
Tilton, Franklin

Boyce, Laurie
Millham, Alida
Tobin, William

Fitzgerald, James
Nedeau, Stephen

Flanders, Donald
Russell, David

CARROLL

Ahlgren, Christopher
Olimpio, J Lisbeth

Knox, J David
Stevens, Stanley

McConkey, Mark

Merrow, Harry

CHESHIRE

Emerson, Susan

Foote, Sheila

Richardson, Barbara

COOS

King, Frederick

Lary, Bruce

Richardson, Herbert

Tholl, John Jr

GRAFTON

Bleyler, Ruth
Solomon, Peter

Eaton, Stephanie
Sorg, Gregory

Gionet, Edmond

Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Calawa, Leon Jr
Dyer, Donald
Gonzalez, Carlos
Hawkins, Ken
Infantine, William
Matarazzo, Anthony Sr
Ober, Lynne
Rowe, Robert
Sullivan, Peter

Allan, Nelson
Bergin, Peter
Carew, James
Elliott, Nancy
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
Mead, Robert
Price, Pamela
Ryder, Donald
Ulery, Jordan

Balboni, Michael
Brassard, Paul
Christiansen, Lars
Emerton, Larry
Hagan, Barbara
Hinkle, Peyton
L'Heureux, Robert
Movsesian, Lori
Reeves, Sandra
Scanlon, Michael

Barry, J Gail
Brundige, Robert
Cote, David
Golding, William
Haley, Robert
Hirschmann, Keith
Manney, Pamela
O'Brien, William
Renzullo, Andrew
Smith, David

MERRIMACK

Hager, Elizabeth
Langlais, Thomas
Rush, Deanna

Kennedy, Richard
Oliver, James
Ryan, Jim

Kidder, David
Owen, Derek
Shurtleff, Stephen

Klose, John
Reed, Dennis

ROCKINGHAM

Bettencourt, David
 Charron, Gene
 Flanders, John Sr
 Headd, James
 Mason, April
 Parker, Benjamin
 Splaine, James
 Winchell, George

Brown, C. Pennington
 Coburn, James
 Garrity, James
 Hughes, Daniel
 McMahon, Charles
 Rausch, James
 Stone, Joseph

Buxton, Donald
 Dalrymple, Janeen
 Gilbert, Karl
 Introne, Robert
 Packard, Sherman
 Robertson, Carl
 Waterhouse, Kevin

Camm, Kevin
 Donahue, Richard Ken
 Griffin, Mary
 Kobel, Rudolph
 Palazzo, Frank
 Scamman, Stella
 Welch, David

STRAFFORD

Berube, Roger
 Easson, Timothy
 Newton, Clifford

Callaghan, Frank
 Hofemann, Roland
 Taylor, Katherine

Cataldo, Sam
 Knowles, William
 Taylor, Kathleen

Dunlap, Patricia
 Miller, Joseph

SULLIVAN

Donovan, Thomas
 and the motion was adopted.

Irish, Christopher

Osgood, Philip Sr

(Deputy Speaker Weyler in the Chair)

REGULAR CALENDAR (CONT'D.)

SB 249, allowing a master electrician to have 2 apprentice electricians under his or her supervision and relative to examinations of electricians by the electricians' board. **OUGHT TO PASS.** Rep. Judson K. Dexter for Executive Departments and Administration: This bill allows a master electrician to have up to two apprentices to work for him/her under direct supervision. It does not require the master to have any apprentices. Currently the master can only have one apprentice, and while the committee spent a great deal of time discussing direct supervision of two apprentices, the majority felt that there were many positive facts that support this legislation. Vote 12-4. Committee report adopted and ordered to third reading.

SB 358-FN, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients. **OUGHT TO PASS WITH AMENDMENT.**

Rep. A. Laurie Harding for Executive Departments and Administration: This bill corrects the section on "Duty to Warn" in the Nurse Practice Act that this legislature amended last year. These changes clarify that all Board of Nursing licensees have a duty to warn an appropriate "supervisor or treating provider" if they are concerned about the potential for violent behavior on the part of a patient. The amended version of the bill also requires that "psychiatric ARNP's shall make reasonable efforts to communicate the threat to the victim or victims, notifying the police department closest to the client's or potential victim's residence, or obtaining civil commitment of the client to the state mental health system." Vote 13-4.

Amendment (1768h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to a nurse's duty to warn of violent acts of patients.

Amend the bill by replacing section 1 with the following:

I Nurse Practice Act; Duty to Warn Of Violent Acts. RSA 326-B:33 is repealed and reenacted to read as follows:

326-B:33 Duty to Warn of Violent Acts of Client; Civil Liability.

I. A licensee has a duty to warn of, or to take reasonable precautions to provide protection from, a client's violent behavior when the client has communicated to the licensee, a serious threat of physical violence against a clearly identified or reasonably identifiable victim or victims or a serious threat of substantial damage to real property.

II. A licensee shall discharge the duty either by notifying the licensee's supervisor or the treating provider. A psychiatric ARNP shall discharge the duty by making reasonable efforts to communicate the threat to the victim or victims, notifying the police department closest to the client's or potential victim's residence, or obtaining civil commitment of the client to the state mental health system.

III. No monetary liability or cause of action based on breach of client privacy, confidentiality, or any other ground shall arise from an act or communication done in a good faith effort to discharge a duty.

AMENDED ANALYSIS

This bill requires licensed nurses to discharge the duty to warn of violent acts of patients by notifying the licensee's supervisor or the treating provider. Psychiatric advanced registered nurse practitioners must communicate the threat to the victim, notify the police department, or obtain civil commitment of the client.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 294-FN-A, authorizing 7 additional state troopers and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Wheeler for Finance: The committee agreed with the House policy regarding the hiring of troopers; however were concerned about the availability of funding. Vote 12-7.

Amendment (1680h)

Amend the bill by replacing section 2 with the following:

2 Appropriation; Department of Safety. There is appropriated the sum of \$1 to the department of safety for the fiscal year ending June 30, 2007, for the purpose of funding the salaries, expenses, equipment, benefits, and in-state travel costs of 7 additional state troopers. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill authorizes the department of safety to hire 7 additional state troopers and makes an appropriation for this purpose.

Rep. Robert Wheeler yielded to questions.

Rep. Rollo requested a roll call; sufficiently seconded.

YEAS 228 NAYS 101

YEAS 228

BELKNAP

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Flanders, Donald
Nedeau, Stephen	Pilliod, James	Thomas, John	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Martin, James	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry	Pratt, John
Richardson, Barbara	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

Buzzell, Bernard	King, Frederick	Lary, Bruce	Mears, Edgar
Merrick, Scott	Remick, William	Richardson, Herbert	Theberge, Robert
Holl, John Jr			

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Ingretson, Paul	Mulholland, Catherine	Solomon, Peter
Sorg, Gregory			

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carew, James	Chase, Claudia
Christensen, D L Chris	Cote, David	Cote, Peter	Coughlin, Pamela
Crane, Elenore Casey	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Elliott, Nancy	Emerton, Larry
Essex, David	Francoeur, Bea	Gargas, Carolyn	Garrity, Patrick
Ginsburg, Ruth	Golding, William	Gorman, Mary	Haley, Robert
Harvey, Suzanne	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jasper, Shawn
Jean, Claudette	Kopka, Angeline	Lasky, Bette	Lawrence, James
Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr	Messier, Irene
Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Price, Pamela	Reeves, Sandra	Renzullo, Andrew
Rochette, Eric	Ross, Lawrence	Rowe, Robert	Ryder, Donald
Scanlon, Michael	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Shaw, Kimberly	Souza, Kathleen	Stepanek, Stephen	Sullivan, Peter
Ulery, Jordan	Velez, Hector	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	Gile, Mary
Hamm, Christine	Hess, David	Kennedy, Richard	Kidder, David
L'Heureux, Stephen	Lockwood, Priscilla	Mackay, James	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Soltani, Tony	Tilton, Joy	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Bettencourt, David	Bicknell, Elbert
Bishop, Franklin	Brown, C. Pennington	Buxton, Donald	Cali-Pitts, Jacqueline
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	Donahue, Richard Ken	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Francoeur, Sheila	Garrity, James	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Hopfgarten, Paul	Hughes, Daniel
Ingram, Russell	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Langley, Jane	Major, Norman	Mason, April
McKinney, Betsy	Moore, Benjamin	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Pantelakos, Laura	Parker, Benjamin	Powers, James
Priestley, Anne	Rausch, James	Rolston, James	Scamman, Stella
Scamman, W Douglas	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Winchell, George
Zolla, William			

STRAFFORD

Berube, Roger	Bickford, David	Brown, Jennifer	Brown, Lawrence
Callaghan, Frank	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Easson, Timothy	Goodwin, Earle	Grassie, Anne	Hofemann, Roland
Knowles, William	Miller, Joseph	Newton, Clifford	Rollo, Michael
Rous, Emma	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Katherine	Twombly, James	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Osgood, Philip Sr	Phinzy, James	Prichard, Stephen

NAYS 101**BELKNAP**

Clark, Charles	Heald, Bruce	Millham, Alida	Morrison, Gail
Rosen, Ralph	Russell, David	Tobin, William	Veazey, John

CARROLL

Babson, David Jr	McConkey, Mark	Merrow, Harry	Olimpio, J Lisbeth
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CHESHIRE

Chase, William	Dexter, Judson	Hunt, John	Plifka, Stanley Jr
Roberts, Kris	Sawyer, Sheldon		

COOS

None

GRAFTON

Aguiar, James	Eaton, Stephanie	Gionet, Edmond	Harding, A Laurie
Maybeck, Margie	McLeod, Martha	Naro, Debra	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Boehm, Ralph	Buhlman, David
Christiansen, Lars	Clemons, Jane	Craig, James	Desmarais, Vivian
Dyer, Donald	Goley, Jeffrey	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hagan, Barbara	Hall, Betty	Hirschmann, Keith
L'Heureux, Robert	McRae, Karen	Mead, Robert	O'Brien, William
Pepino, Leo	Rosenwald, Cindy	Slocum, Lee	Smith, David
Sullivan, Francis	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James

MERRIMACK

Blanchard, Elizabeth	Field, William	Greco, Vincent	Klose, John
Langlais, Thomas	Marple, Richard	Maxfield, Roy	Oliver, James
Potter, Frances	Reed, Dennis	Tupper, Frank	Walz, Mary Beth

ROCKINGHAM

Belanger, Ronald	Cady, Harriet	Camm, Kevin	Casey, Kimberley
DiFruscia, Anthony	Dumaine, Dudley	Gilbert, Karl	Headd, James
Hutchinson, Karen	Introne, Robert	Itse, Daniel	McMahon, Charles
Morris, Richard	Nowe, Ronald	Quandt, Marshall Lee	Quandt, Matthew
Robertson, Carl	Robinson, John	Sanders, Elisabeth	Weldy, Norman
Wells, Roger			

STRAFFORD

Albert, Russell	Brown, Julie	Cataldo, Sam	Chaplin, Duncan
Dunlap, Patricia	Kaen, Naida	Taylor, Kathleen	

SULLIVAN

Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr	Rodeschin, Beverly
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and the committee amendment was adopted.

The question now being adoption of the committee report.

Rep. Lars Christensen requested a roll call; sufficiently seconded.

YEAS 236 NAYS 95**YEAS 236****BELKNAP**

Allen, Janet	Fitzgerald, James	Flanders, Donald	Neddeau, Stephen
Pilliod, James	Russell, David	Thomas, John	Whalley, Michael

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Buco, Thomas	Dickinson, Howard
Knox, J David	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Allen, Peter
Coates, Christopher
Espiefs, Peter
Plifka, Stanley Jr
Tilton, Anna

Butcher, Suzanne
Dexter, Judson
Foote, Sheila
Pratt, John

Butynski, William
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara

Chase, William
Eaton, Daniel
Parkhurst, Henry
Roberts, Kris

COOS

Buzzell, Bernard
Merrick, Scott
Tholl, John Jr

King, Frederick
Remick, William

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Theberge, Robert

GRAFTON

Almy, Susan
Eaton, Stephanie
Mulholland, Catherine

Benn, Bernard
Hammond, Lee
Naro, Debra

Bleyler, Ruth
Harding, A Laurie
Solomon, Peter

Cooney, Mary
McLeod, Martha

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Chase, Claudia
Cote, Peter
Desmarais, Vivian
Egbers, Fran
Garrity, Patrick
Gonzalez, Carlos
Harvey, Suzanne
Jean, Claudette
Manney, Pamela
Movesian, Lori
Pilotte, Maurice
Ross, Lawrence
Shaw, Kimberly
Ulery, Jordan

Baroody, Benjamin
Brassard, Paul
Christensen, D L Chris
Coughlin, Pamela
DeVries, Betsi
Emerton, Larry
Ginsburg, Ruth
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Martin, Mary Ellen
O'Connell, Timothy
Reeves, Sandra
Schulze, Joan
Smith, David
Velez, Hector

Batula, Peter
Brundige, Robert
Clemons, Jane
Craig, James
Dokmo, Cynthia
Essex, David
Golding, William
Haley, Robert
Infantine, William
L'Heureux, Robert
Matarazzo, Anthony Sr
Ober, Lynne
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis
Wheeler, Robert

Beaulieu, Jane
Calawa, Leon Jr
Cote, David
Daniuk, Caitlin
Drisko, Richard
Gargas, Carolyn
Goley, Jeffrey
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
Messier, Irene
Pepino, Leo
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

MERRIMACK

Anderson, Eric
Clarke, Claire
Gile, Mary
Hess, David
L'Heureux, Stephen
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen

Blanchard, Elizabeth
DeJoie, John
Greco, Vincent
Kennedy, Richard
Lockwood, Priscilla
Osborne, Jessie
Reed, Dennis
Tilton, Joy

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Kidder, David
Mackay, James
Owen, Derek
Rush, Deanna
Walz, Mary Beth

Brueggemann, Donald
Foote, Robert
Hamm, Christine
Klose, John
Maxfield, Roy
Potter, Frances
Ryan, Jim
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Coburn, James
Donahue, Richard Ken
Garrity, James
Griffin, Mary
Kobel, Rudolph
Moore, Benjamin
Pantelakos, Laura
Quandt, Marshall Lee
Rolston, James
Stiles, Nancy
Weldy, Norman

Belanger, Ronald
Carson, Sharon
Cooney, Richard
Flanders, John Sr
Gilbert, Karl
Johnson, Robert
Langley, Jane
Morris, Richard
Parker, Benjamin
Quandt, Matthew
Scamman, Stella
Stone, Joseph
Winchell, George

Brown, C. Pennington
Casey, Kimberly
Dalrymple, Janeen
Flockhart, Eileen
Gillick, Thomas
Katsakiores, George
Major, Norman
O'Neil, Michael
Powers, James
Robertson, Carl
Scamman, W Douglas
Weare, E Albert
Zolla, William

Buxton, Donald
Charron, Gene
DiFruscia, Anthony
Francoeur, Sheila
Gould, Kenneth
Katsakiores, Phyllis
Mason, April
Packard, Sherman
Priestley, Anne
Robinson, John
Splaine, James
Welch, David

STRAFFORD

Albert, Russell
Brown, Julie
Creteau, Irene
Goodwin, Earle
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Grassie, Anne
Miller, Joseph
Smith, Marjorie
Twombly, James

Bickford, David
Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Rollo, Michael
Spang, Judith
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Easson, Timothy
Kaen, Naida
Rous, Emma
Taylor, Katherine

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Houde-Quimby, Charlotte
Prichard, Stephen

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

NAYS 95**BELKNAP**

Boyce, Laurie
Morrison, Gail
Veazey, John

Clark, Charles
Rosen, Ralph
Wendelboe, Fran

Heald, Bruce
Tilton, Franklin

Millham, Alida
Tobin, William

CARROLL

Babson, David Jr
Olimpio, J Lisbeth

Martin, James

McConkey, Mark

Morrow, Harry

CHESHIRE

Emerson, Susan
Weed, Charles

Hunt, John

Robertson, Timothy

Sawyer, Sheldon

COOS

None

GRAFTON

Aguiar, James
Sorg, Gregory

Gionet, Edmond

Ingretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Boehm, Ralph
Crane, Elenore Casey
Goyette, Peter Jr
Hellwig, Steve
Lawrence, James
O'Brien, William
Ryder, Donald
Stepanek, Stephen

Balboni, Michael
Buhlman, David
Dyer, Donald
Graham, John
Hinkle, Peyton
McRae, Karen
Price, Pamela
Scanlon, Michael
Vaillancourt, Steve

Barry, J Gail
Carew, James
Elliott, Nancy
Hagan, Barbara
Hirschmann, Keith
Mead, Robert
Renzullo, Andrew
Slocum, Lee
Villeneuve, Maurice

Bergeron, Jean-Guy
Christiansen, Lars
Francoeur, Bea
Hawkins, Ken
Jasper, Shawn
Mooney, Maureen
Rowe, Robert
Souza, Kathleen
Wheeler, James

MERRIMACK

Field, William
Soltani, Tony

Langlais, Thomas
Tupper, Frank

Marple, Richard

Oliver, James

ROCKINGHAM

Allen, Mary
Cady, Harriet
Headd, James
Ingram, Russell
McMahon, Charles
Sanders, Elisabeth

Bettencourt, David
Camm, Kevin
Hopfgarten, Paul
Introne, Robert
Nowe, Ronald
Waterhouse, Kevin

Bicknell, Elbert
Dumaine, Dudley
Hughes, Daniel
Itse, Daniel
Palazzo, Frank
Wells, Roger

Bishop, Franklin
Fesh, Bob
Hutchinson, Karen
McKinney, Betsy
Rausch, James

STRAFFORD

Cataldo, Sam

Chaplin, Duncan

Newton, Clifford

SULLIVAN

Irish, Christopher

Rodeschin, Beverly

and the committee report was adopted.

Ordered to third reading.

SB 308-FN-A, making an appropriation for school building aid. **OUGHT TO PASS.**

Rep. Linda T. Foster for Finance: Unfortunately, the consequences of SB 38 that changed the eligibility requirements for certain school districts and increased school budget aid by approximately \$1,000,000, were not included in the current budget. The committee believes that the state should honor its commitment and not shift the cash flow burden. Vote 17-2.

Rep. King moved Recommit and spoke in favor.

Motion adopted.

Recommitted to the committee on Finance.

SB 327, establishing the New Hampshire civil war cannon restoration fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Robert L. Wheeler for Finance: This bill creates a fund in the state treasurer's office to accept grants, gifts, and donations for the purpose of restoring civil war cannons. The fund is organized for charitable and educational purposes within section 501(c)(3) of the IRS code, and will not require any state dollars from general or other funds. Vote 19-0.

Amendment (1679h)

Amend RSA 110-B:80 as inserted by section 1 of the bill by replacing it with the following:

110-B:80 Civil War Cannon Restoration Fund. The adjutant general is authorized to accept gifts, grants, or donations, from any public or private source, for the purpose of restoring the New Hampshire civil war cannons. All such monetary grants, gifts, and donations shall be deposited in a special fund, which shall be established in the office of the state treasurer and known as the New Hampshire civil war cannon restoration fund. The fund shall be nonlapsing and shall be kept separate and distinct from all other funds. The fund shall be continually appropriated to the adjutant general and used solely for the restoration of state civil war cannons. The fund shall be organized exclusively for charitable and educational purposes, within the meaning of those terms as used in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and no part of the net earnings shall inure to the benefit of any individual.

AMENDED ANALYSIS

This bill establishes the New Hampshire civil war cannon restoration fund in the office of the state treasurer to be administered by the adjutant general.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Kennedy spoke against and yielded to questions.

Reps. Robert Wheeler and Welch yielded to questions.

Committee report adopted and ordered to third reading.

SB 337, relative to the sale and repurchase of property acquired by tax deed. **MAJORITY: IN-EXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: This bill would allow municipalities to inspect property acquired by tax deed prior to offering the property for sale. If anyone, including a municipality, is a landlord, inspection of the property can happen with reasonable notice as stated in RSA 540:2 and 3. This bill makes the former owner of a tax deeded property liable for the costs incurred by the municipality for repairs and maintenance, which is already in law in RSA 80:90,1(e). The majority feels this legislation is unnecessary, since local communities already have the legal authority to deal with the problem(s) and issues raised by the proponents. Uncomfortable as it may be, aggressive enforcement of current existing laws and authority seems to be the appropriate solution. The committee only heard testimony from one municipality. The majority of the committee feels that if this was a statewide issue, there would have been testimony from other municipalities, especially from the cities. The next section of this bill addresses the reduction in time that any former owner has available to redeem the property,

from three years to only a single year. It is becoming more difficult for some taxpayers to pay their property taxes, especially our elderly. The majority of the committee feels that reducing the time for these individuals to be able pay their taxes and keep their home from three years down to a single year is an unwarranted taking by the municipality. The majority of the committee feels that the property rights and the traditional belief of "one's home is one's castle" is greatly affected by reducing this time. The majority of the committee further feels that keeping the tax lien/deed process the way it currently is in law is in the best interest of all New Hampshire landowners. Vote 10-7. Rep. Jessie L. Osborne for the Minority of Municipal and County Government: The minority of the committee believes that this bill would give municipalities the ability to access and upgrade the property acquired through tax deed and provide a municipality the right to protect itself from liability by upgrading to code said property. It would also permit the municipality to reduce the repurchase time for the previous owner. The repurchase agreement would also require the previous owner to pay for all code upgrades and back taxes within a set period of time. This reduces the amount of time from 3 years to one year the right of the Municipality to recoup all costs regarding the sale and updating of the property taken in lieu of taxes through a tax deed. Under current law, the municipality can dispose of the property 30 days after certified mail notice, but if the owner cannot be found or avoids the notice, he has up to 3 years before the municipality can dispose of the property. This bill reduces that time to 1 year. The committee heard of many cases, particularly in Berlin, which justify the reduction of the period for a landlord to redeem the property taken for property tax default of 3 years. Currently the total time to recoup losses can be a total of 6 years including the 3 years of tax liens.

Rep. Patten spoke against.

Majority committee report failed.

Rep. Patten moved Interim Study and spoke in favor.

Motion adopted.

SB 310-FN, establishing gold star number plates and relative to special number plates for veterans. **WITHOUT RECOMMENDATION.**

Rep. Packard moved Ought to Pass and offered floor amendment (1759h).

Floor Amendment (1759h)

Amend the bill by replacing section 1 with the following:

1 New Section; Gold Star Number Plates. Amend RSA 261 by inserting after section 87-b the following new section:

261:87-c Gold Star Number Plates.

I. The department shall furnish one set of special number plates, designed by the director with the approval of the commissioner, for one motor vehicle owned by a mother or father of a person killed while on duty in the United States armed forces. These gold star number plates shall be issued upon payment of the regular registration and number plate fees. The issuance of a set of such special number plates to a parent shall not preclude the issuance of another set of such special number plates to the other parent.

II. For purposes of this section, a motor vehicle is owned by a mother or father of a person killed while on duty in the United States armed forces if the mother or father of a person killed while on duty in the United States armed forces is the motor vehicle's owner under RSA 259:72, I, or if the legal ownership of the motor vehicle is held by a trust established by the mother or father of a person killed while on duty in the United States armed forces and the mother or father of a person killed while on duty in the United States armed forces has use of the motor vehicle or the motor vehicle is used for the transportation of the mother or father of a person killed while on duty in the United States armed forces. The director shall establish the documentation required for a motor vehicle held in trust to be eligible for plates under this section. The director shall not issue more than one set of plates under this section to any trust. A trustee of the trust or the administrator of the estate may be fined up to \$500 for failing to return within 60 days of the death of the mother or father of a person killed while on duty in the United States armed forces any plates issued under this section for a motor vehicle held in trust.

Rep. Packard inquired if Section 1 of the bill could be divided.

The Speaker ruled that Section 1 of the bill was divisible and so ordered.

The question now being adoption of floor amendment (1759h).

Rep. Jennifer Brown spoke against and yielded to questions.

Rep. Bettencourt spoke in favor.

Rep. Merrick requested a roll call; sufficiently seconded.

YEAS 269 NAYS 63**YEAS 269****BELKNAP**

Boyce, Laurie
Heald, Bruce
Rosen, Ralph
Veazey, John

Clark, Charles
Millham, Alida
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Morrison, Gail
Tilton, Franklin
Whalley, Michael

Flanders, Donald
Pilliod, James
Tobin, William

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Merrow, Harry

Babson, David Jr
Knox, J David
Olimpio, J Lisbeth

Brown, Carolyn
Martin, James
Philbrick, Donald

Buco, Thomas
McConkey, Mark
Stevens, Stanley

CHESHIRE

Allen, Peter
Coates, Christopher
Emerson, Susan
Mitchell, Bonnie
Tilton, Anna

Butcher, Suzanne
Dexter, Judson
Espiefs, Peter
Plifka, Stanley Jr
Weed, Charles

Butynski, William
Dunn, J Timothy
Foote, Sheila
Pratt, John

Chase, William
Eaton, Daniel
Hunt, John
Robertson, Timothy

COOS

Buzzell, Bernard
Merrick, Scott
Tholl, John Jr

King, Frederick
Remick, William

Lary, Bruce
Richardson, Herbert

Mears, Edgar
Theberge, Robert

GRAFTON

Aguiar, James
Hammond, Lee
McLeod, Martha
Ward, John

Benn, Bernard
Harding, A Laurie
Mulholland, Catherine

Eaton, Stephanie
Ingbretson, Paul
Naro, Debra

Gionet, Edmond
Maybeck, Margie
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Calawa, Leon Jr
Clemons, Jane
Crane, Elenore Casey
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Goyette, Peter Jr
Hall, Betty
Hinkle, Peyton
Jasper, Shawn
Lawrence, James
McRae, Karen
O'Brien, William
Price, Pamela
Rowe, Robert
Shaw, Barbara
Ulery, Jordan

Allan, Nelson
Beaulieu, Jane
Brassard, Paul
Chase, Claudia
Cote, David
Daniuk, Caitlin
Dyer, Donald
Francoeur, Bea
Golding, William
Graham, John
Harvey, Suzanne
Hirschmann, Keith
Jean, Claudette
Manney, Pamela
Mead, Robert
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Shaw, Kimberly
Vaillancourt, Steve

Balboni, Michael
Bergeron, Jean-Guy
Brundige, Robert
Christensen, D L Chris
Coughlin, Pamela
Desmarais, Vivian
Egbers, Fran
Gargas, Carolyn
Goley, Jeffrey
Hagan, Barbara
Hebert, Raymond
Holden, Randolph
L'Heureux, Robert
Martin, Mary Ellen
Messier, Irene
Ober, Lynne
Renzullo, Andrew
Schulze, Joan
Stepanek, Stephen
Velez, Hector

Baroody, Benjamin
Bergin, Peter
Buhlman, David
Christiansen, Lars
Craig, James
DeVries, Betsi
Elliott, Nancy
Garrity, Patrick
Gonzalez, Carlos
Haley, Robert
Hellwig, Steve
Infantine, William
Lasky, Bette
Matarazzo, Anthony Sr
Mooney, Maureen
Pilotte, Maurice
Rochette, Eric
Shattuck, Gilman
Sullivan, Peter
Wheeler, James

MERRIMACK

Anderson, Eric
Currier, David
French, Barbara
Hamm, Christine

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kennedy, Richard

Brueggemann, Donald
Field, William
Greco, Vincent
Langlais, Thomas

Clarke, Claire
Foose, Robert
Hager, Elizabeth
Marple, Richard

Maxfield, Roy
Owen, Derek
Ryan, Jim
Walz, Mary Beth

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Yeaton, Charles

Oliver, James
Reed, Dennis
Soltani, Tony

Osborne, Jessie
Rush, Deanna
Tupper, Frank

ROCKINGHAM

Allen, Mary
Buxton, Donald
Carson, Sharon
Cooney, Richard
Flockhart, Eileen
Griffin, Mary
Hutchinson, Karen
Katsakiores, George
Major, Norman
Moore, Benjamin
Pantelakos, Laura
Quandt, Matthew
Rolston, James
Splaine, James
Weare, E Albert

Belanger, Ronald
Cady, Harriet
Casey, Kimberley
DiFruscia, Anthony
Garrity, James
Headd, James
Ingram, Russell
Katsakiores, Phyllis
Mason, April
Morris, Richard
Powers, James
Rausch, James
Sanders, Elisabeth
Stiles, Nancy
Wells, Roger

Bettencourt, David
Cali-Pitts, Jacqueline
Charron, Gene
Donahue, Richard Ken
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Kobel, Rudolph
McKinney, Betsy
Nowe, Ronald
Priestley, Anne
Robertson, Carl
Scamman, Stella
Stone, Joseph
Winchell, George

Bicknell, Elbert
Camm, Kevin
Coburn, James
Dumaine, Dudley
Gillick, Thomas
Hughes, Daniel
Itse, Daniel
Langley, Jane
McMahon, Charles
O'Neil, Michael
Quandt, Marshall Lee
Robinson, John
Scamman, W Douglas
Waterhouse, Kevin
Zolla, William

STRAFFORD

Albert, Russell
Callaghan, Frank
Dunlap, Patricia
Hofemann, Roland
Newton, Clifford
Taylor, Katherine

Berube, Roger
Cataldo, Sam
Easson, Timothy
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

Bickford, David
Chaplin, Duncan
Goodwin, Earle
Knowles, William
Rous, Emma
Twombly, James

Brown, Jennifer
Cilley, Jacalyn
Grassie, Anne
Miller, Joseph
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Irish, Christopher

Converse, Larry
Osgood, Philip Sr

Donovan, Thomas
Phinzy, James

Franklin, Peter
Pritchard, Stephen

NAYS 63

BELKNAP

Allen, Janet

Nedeau, Stephen

Russell, David

CARROLL

None

CHESHIRE

Parkhurst, Henry

Richardson, Barbara

Roberts, Kris

Sawyer, Sheldon

COOS

None

GRAFTON

Almy, Susan
Sorg, Gregory

Bleyler, Ruth

Cooney, Mary

Nordgren, Sharon

HILLSBOROUGH

Barry, J Gail
Emerton, Larry
Kopka, Angeline
Rosenwald, Cindy
Sullivan, Francis

Carew, James
Gorman, Mary
Kurk, Neal
Ryder, Donald
Villeneuve, Maurice

Cote, Peter
Hawkins, Ken
Movsesian, Lori
Slocum, Lee
Wheeler, Robert

Drisko, Richard
Irwin, Anne-Marie
Pepino, Leo
Smith, David

MERRIMACK

Bouchard, Candace
L'Heureux, Stephen

Hess, David
Lockwood, Priscilla

Kidder, David
MacKay, James

Klose, John
Reardon, Tara

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Brown, C. Pennington	Fesh, Bob
Flanders, John Sr	Francoeur, Sheila	Gould, Kenneth	Johnson, Robert
Packard, Sherman	Palazzo, Frank	Parker, Benjamin	Welch, David
Weldy, Norman			

STRAFFORD

Brown, Julie	Brown, Lawrence	Creteau, Irene	Domingo, Baldwin
Kaen, Naida	Smith, Marjorie	Spang, Judith	

SULLIVAN

Ferland, Brenda	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Rodeschin, Beverly
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and floor amendment (1759h) was adopted.

The question now being adoption of Section 1 of the bill.

Motion adopted.

The question now being adoption of the remainder of the bill.

Motion adopted and ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

SB 234, including the International Residential Code 2000 in the definition of the state building code. **OUGHT TO PASS.**

Rep. Ken Hawkins for Executive Departments and Administration: This bill came out of a study committee on licensing building contractors and re-modelers. Since there was no residential code, there was no way to license them. This bill establishes a state-wide building code, but does not require a town to have a building inspector. This will enable the consumer to have recourse against shoddy workmanship. Vote 15-0.

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 220 NAYS 112**YEAS 220****BELKNAP**

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Russell, David	Tilton, Franklin	Tobin, William

CARROLL

Ahlgren, Christopher	Brown, Carolyn	Knox, J David	Martin, James
McConkey, Mark	Olimpio, J Lisbeth	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Richardson, Herbert	Tholl, John Jr		

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Solomon, Peter	Sorg, Gregory	

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Brassard, Paul	Brundige, Robert

Buhlman, David
Cote, David
DeVries, Betsy
Essex, David
Ginsburg, Ruth
Gorman, Mary
Hall, Betty
Hebert, Raymond
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
Pilotte, Maurice
Rosenwald, Cindy
Shattuck, Gilman
Smith, David
Wheeler, Robert

Chase, Claudia
Cote, Peter
Drisko, Richard
Francoeur, Bea
Golding, William
Graham, John
Hansen, Ryan
Hellwig, Steve
Jasper, Shawn
Lasky, Bette
Movsesian, Lori
Price, Pamela
Ross, Lawrence
Shaw, Barbara
Stepanek, Stephen

Christensen, D L Chris
Craig, James
Egbers, Fran
Gargas, Carolyn
Goley, Jeffrey
Hagan, Barbara
Harvey, Suzanne
Hinkle, Peyton
Jean, Claudette
Manney, Pamela
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Shaw, Kimberly
Sullivan, Francis

Clemons, Jane
Daniuk, Caitlin
Emerton, Larry
Garrity, Patrick
Gonzalez, Carlos
Haley, Robert
Hawkins, Ken
Holden, Randolph
Kopka, Angeline
Martin, Mary Ellen
Pepino, Leo
Rochette, Eric
Schulze, Joan
Slocum, Lee
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Tilton, Joy

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Kidder, David
Oliver, James
Reed, Dennis
Walz, Mary Beth

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Klose, John
Osborne, Jessie
Ryan, Jim
Yeaton, Charles

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
MacKay, James
Potter, Frances
Shurtleff, Stephen

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Coburn, James
Flockhart, Eileen
Griffin, Mary
Major, Norman
Packard, Sherman
Rausch, James
Scamman, Stella
Stone, Joseph
Zolla, William

Bettencourt, David
Carson, Sharon
Cooney, Richard
Garrity, James
Ingram, Russell
Mason, April
Pantelakos, Laura
Robertson, Carl
Scamman, W Douglas
Waterhouse, Kevin

Brown, C. Pennington
Casey, Kimberley
DiFruscia, Anthony
Gillick, Thomas
Kobel, Rudolph
Morris, Richard
Parker, Benjamin
Robinson, John
Splaine, James
Weldy, Norman

Buxton, Donald
Charron, Gene
Fesh, Bob
Gould, Kenneth
Langley, Jane
O'Neil, Michael
Powers, James
Rolston, James
Stiles, Nancy
Wells, Roger

STRAFFORD

Albert, Russell
Chaplin, Duncan
Dunlap, Patricia
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Berube, Roger
Cilley, Jacalyn
Grassie, Anne
Miller, Joseph
Smith, Marjorie
Twombly, James

Bickford, David
Creteau, Irene
Hofemann, Roland
Newton, Clifford
Spang, Judith
Wall, Janet

Brown, Jennifer
Domingo, Baldwin
Johnson, Nancy
Rollo, Michael
Taylor, Katherine

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

NAYS 112

BELKNAP

Boyce, Laurie
Rosen, Ralph
Whalley, Michael

Heald, Bruce
Thomas, John

Nedeau, Stephen
Veazey, John

Pilliod, James
Wendelboe, Fran

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Morrow, Harry
Patten, Betsey	Philbrick, Donald		

COOS

Lary, Bruce	Remick, William	Theberge, Robert
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GRAFTON

Aguiar, James	Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul
Maybeck, Margie	McLeod, Martha	Ward, John	

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Boehm, Ralph
Calawa, Leon Jr	Carew, James	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia	Dyer, Donald
Elliott, Nancy	Goyette, Peter Jr	Hirschmann, Keith	Kurk, Neal
Lawrence, James	McRae, Karen	Mead, Robert	Messier, Irene
Mooney, Maureen	O'Brien, William	Ober, Lynne	Renzullo, Andrew
Rowe, Robert	Scanlon, Michael	Sullivan, Peter	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	

MERRIMACK

Currier, David	Field, William	Hess, David	Kennedy, Richard
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
Maxfield, Roy	Owen, Derek	Rush, Deanna	Soltani, Tony
Tupper, Frank			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bishop, Franklin	Camm, Kevin
Donahue, Richard Ken	Dumaine, Dudley	Flanders, John Sr	Francoeur, Sheila
Gilbert, Karl	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Hutchinson, Karen	Introne, Robert	Itse, Daniel	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	McKinney, Betsy	McMahon, Charles
Moore, Benjamin	Nowe, Ronald	Palazzo, Frank	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Sanders, Elisabeth	Weare, E Albert
Welch, David	Winchell, George		

STRAFFORD

Brown, Julie	Brown, Lawrence	Callaghan, Frank	Campbell, W Packy
Cataldo, Sam	Easson, Timothy	Goodwin, Earle	Kaen, Naida
Rous, Emma			

SULLIVAN

Irish, Christopher
and the committee report was adopted.
Ordered to third reading.

CLERK'S NOTE

Although he was present in the chamber, Rep. Parkhurst's vote was not registered at the time of voting on **SB 234**, including the International Residential Code 2000 in the definition of the state building code, due to a mechanical error in the voting machine. Rep. Parkhurst notified the Clerk that he intended to vote Yea and wished to be recorded in favor.

BILLS REMOVED FROM CONSENT CALENDAR (CONT'D.)

SB 252, relative to certification of speech-language assistants for purposes of speech language pathology practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Donald F. Ryder for Executive Departments and Administration: This bill is designed to give minimum certification credentials to those who meet the requirements established by the Board of

Allied Health Providers for speech-language assistants. The bill exempts assistants employed by all public schools and schools approved by the Department of Education. Persons currently employed and supervised as speech-language assistants will be grandfathered. This bill has been written so as to not create any unfunded mandates for public schools. Vote 16-0.

Amendment (1806h)

Amend the bill by replacing all after section 1 with the following:

2 Rulemaking; Speech Language Assistants. Amend RSA 326-F:5, V to read as follows:

V. The ~~[use of assistive personnel]~~ *minimum qualifications of, requirements for direction and supervision of, and scope of tasks that may be performed by speech-language assistants. Such qualifications shall include a minimum of a 2-year associate's degree granted by a speech language pathology program accredited by an accrediting organization approved by the board.*

VI. *The application and qualification for initial certification, certification renewal, and certification reinstatement of speech-language assistants.*

VII. *The investigation and discipline of certified speech language assistants.*

3 New Subparagraph; Office of Allied Health Professionals; Board of Directors. Amend RSA 328-F:15 by inserting after subparagraph I(g) the following new subparagraph:

(h) Initial certification, certification renewal, and certification reinstatement of speech-language assistants, as defined in RSA 326-F:1, II-a.

4 New Section; Renewal of Certification. Amend RSA 326-F by inserting after section 6 the following new section:

326-F:6-a Renewal of Certification. Certification shall be renewed biennially in accordance with rules adopted pursuant to RSA 541-A.

5 New Section; Reinstatement of Certification. Amend RSA 326-F by inserting after section 7 the following new section:

326-F:7-a Reinstatement of Certification. The board shall reinstate a certification which has lapsed as a result of failure of the applicant to qualify for renewal or to submit the renewal application on time if the applicant:

I. Meets eligibility requirements for renewal.

II. Meets any reinstatement requirements established by the board in rules adopted pursuant to RSA 541-A.

III. Complies with any reinstatement application procedures established by the board in rules adopted pursuant to RSA 541-A.

IV. Pays the reinstatement fee.

6 Exemptions. Amend RSA 326-F:2,1 to read as follows:

I. This chapter and RSA 328-F shall not apply to:

(a) Speech-language specialists who are certified under rules adopted by the board of education pursuant to RSA 21-N:9, II(s), unless they are also licensed under this chapter.

(b) *Speech-language assistants employed by all public schools and schools approved by the department of education.*

7 Exemption. Notwithstanding section 2 of this act, persons currently employed and supervised as speech-language assistants on the effective date of this act shall not be required to hold or acquire a 2-year associate's degree granted by a speech language pathology program accredited by a board-approved accrediting organization but shall be certified by the board upon application and payment of the established fee.

8 Effective Date. This act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill defines "speech-language assistant" for purposes of speech language pathology practice and requires speech-language assistants to be certified by the speech language pathology governing board. This bill also requires the office of allied health professionals to establish fees for initial certification, renewal, and certification reinstatement of speech-language assistants.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 354-FN, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system. **REFER FOR INTERIM STUDY.**

Rep. Judson K. Dexter for Executive Departments and Administration: The committee is in support of moving the New Hampshire Hospital security force to group II as they meet the certification requirements. However, there were a number of questions about split benefits and retirement for the officers caught in the transition. It should always be a concern that our best intended efforts do not inadvertently harm the people we serve. Please give us the opportunity to ferret out the answers to our concerns. Vote 14-2.

Rep. Bergin moved Recommit and spoke in favor.

Motion adopted.

Recommitted to the committee on Executive Departments and Administration.

SB 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bea Francoeur for Judiciary: The committee voted to establish a full time Justice for the Nashua and Manchester district courts, due to extremely heavy case loads. Currently, part-time per diem special justices from around the state rotate in to the court to alleviate the problem, but there continues to be a backlog of cases, and some must wait months for access to justice. The amendment changes the effective date to conform to the next budget cycle. Vote 15-3.

Amendment (1632h)

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2007.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Soltani spoke against and yielded to questions.

Reps. Rowe and Bea Francoeur spoke in favor.

Rep. Crane inquired if Section 2 of the bill could be divided.

The Speaker ruled the bill was divisible and so ordered.

The question now being adoption of Section 2 of the bill.

Reps. Crane and Soltani spoke against.

The motion to adopt Section 2 of the bill failed.

The question now being adoption of the committee report.

Rep. Soltani spoke in favor and yielded to questions.

Committee report adopted and ordered to third reading.

RECONSIDERATION

Having voted with the prevailing side, Rep. Graham moved that the House reconsider its action whereby it voted **SCR 6**, urging Congress to support stem cell research, Inexpedient to Legislate. Rep. Graham spoke in favor.

Rep. Coughlin spoke against.

On a division vote, 174 members having voted in the affirmative and 160 in the negative, reconsideration prevailed.

The question now being adoption of the majority committee report of Inexpedient to Legislate.

Rep. Roberts spoke against.

Rep. Twombly spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 144 NAYS 190

YEAS 144

BELKNAP

Allen, Janet

Boyce, Laurie

Clark, Charles

Fitzgerald, James

Flanders, Donald

Nedeau, Stephen

Russell, David

Thomas, John

Tilton, Franklin

Veazey, John

Wendelboe, Fran

Whalley, Michael

CARROLL

Ahlgren, Christopher
Morrow, Harry

Brown, Carolyn
Olimpio, J Lisbeth

Martin, James
Patten, Betsey

McConkey, Mark
Philbrick, Donald

CHESHIRE

Butynski, William

Parkhurst, Henry

COOS

King, Frederick

Remick, William

Richardson, Herbert

Tholl, John Jr

GRAFTON

Ingbretson, Paul

Maybeck, Margie

Solomon, Peter

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Calawa, Leon Jr
Coughlin, Pamela
Francoeur, Bea
Hinkle, Peyton
Jean, Claudette
McRae, Karen
Ober, Lynne
Renzullo, Andrew
Souza, Kathleen
Wheeler, James

Allan, Nelson
Boehm, Ralph
Carew, James
Dyer, Donald
Hagan, Barbara
Hirschmann, Keith
L'Heureux, Robert
Mead, Robert
Pilotte, Maurice
Ross, Lawrence
Stepanek, Stephen
Wheeler, Robert

Balboni, Michael
Brassard, Paul
Christensen, D L Chris
Elliott, Nancy
Hawkins, Ken
Infantine, William
Lawrence, James
Mooney, Maureen
Price, Pamela
Schulze, Joan
Ulery, Jordan

Batula, Peter
Buhlman, David
Christiansen, Lars
Emerton, Larry
Hellwig, Steve
Jasper, Shawn
Manney, Pamela
O'Brien, William
Reeves, Sandra
Slocum, Lee
Villeneuve, Maurice

MERRIMACK

Currier, David
Klose, John
Soltani, Tony

Field, William
Langlais, Thomas

Hess, David
MacKay, James

Kidder, David
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Carson, Sharon
Donahue, Richard Ken
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Mason, April
Packard, Sherman
Quandt, Marshall Lee
Stone, Joseph
Weldy, Norman

Bettencourt, David
Charron, Gene
Dowd, John
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, George
Moore, Benjamin
Palazzo, Frank
Quandt, Matthew
Waterhouse, Kevin
Weyler, Kenneth

Bishop, Franklin
Coburn, James
Dumaine, Dudley
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
Nowe, Ronald
Parker, Benjamin
Scamman, Stella
Weare, E Albert
Zolla, William

Cady, Harriet
Cooney, Richard
Fesh, Bob
Gilbert, Karl
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
O'Neil, Michael
Priestley, Anne
Stiles, Nancy
Welch, David

STRAFFORD

Albert, Russell
Cataldo, Sam
Twombly, James

Berube, Roger
Chaplin, Duncan

Bickford, David
Easson, Timothy

Campbell, W Packy
Newton, Clifford

SULLIVAN

Donovan, Thomas

Irish, Christopher

Osgood, Philip Sr

NAYS 190**BELKNAP**

Heald, Bruce
Tobin, William

Millham, Alida

Pilliod, James

Rosen, Ralph

CARROLL

Babson, David Jr
Stevens, Stanley

Buco, Thomas

Dickinson, Howard

Knox, J David

CHESHIRE

Allen, Peter
Dexter, Judson
Espiefs, Peter
Plifka, Stanley Jr
Robertson, Timothy

Butcher, Suzanne
Dunn, J Timothy
Foote, Sheila
Pratt, John
Sawyer, Sheldon

Chase, William
Eaton, Daniel
Hunt, John
Richardson, Barbara
Tilton, Anna

Coates, Christopher
Emerson, Susan
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

COOS

Buzzell, Bernard
Theberge, Robert

Lary, Bruce

Mears, Edgar

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
Ward, John

Almy, Susan
Eaton, Stephanie
McLeod, Martha

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine

Bleyler, Ruth
Hammond, Lee
Naro, Debra

HILLSBOROUGH

Baroody, Benjamin
Brundige, Robert
Cote, Peter
Desmarais, Vivian
Egbers, Fran
Ginsburg, Ruth
Gorman, Mary
Hall, Betty
Holden, Randolph
Lasky, Bette
O'Connell, Timothy
Rowe, Robert
Shaw, Barbara
Sullivan, Peter

Barry, J Gail
Chase, Claudia
Craig, James
DeVries, Betsi
Essex, David
Golding, William
Goyette, Peter Jr
Hansen, Ryan
Irwin, Anne-Marie
Matarazzo, Anthony Sr
Pepino, Leo
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

Beaulieu, Jane
Clemons, Jane
Crane, Elenore Casey
Dokmo, Cynthia
Gargas, Carolyn
Goley, Jeffrey
Graham, John
Harvey, Suzanne
Kopka, Angeline
Messier, Irene
Rochette, Eric
Scanlon, Michael
Smith, David
Velez, Hector

Bergin, Peter
Cote, David
Daniuk, Caitlin
Drisko, Richard
Garrity, Patrick
Gonzalez, Carlos
Haley, Robert
Hebert, Raymond
Kurk, Neal
Movsesian, Lori
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
L'Heureux, Stephen
Oliver, James
Reardon, Tara
Tilton, Joy

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Tupper, Frank

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Marple, Richard
Owen, Derek
Ryan, Jim
Walz, Mary Beth

Brueggemann, Donald
Foose, Robert
Hamm, Christine
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Flockhart, Eileen
Major, Norman
Pantelakos, Laura
Robinson, John
Wells, Roger

Belanger, Ronald
Camm, Kevin
Gould, Kenneth
McKinney, Betsy
Powers, James
Rolston, James
Winchell, George

Brown, C. Pennington
Casey, Kimberley
Hutchinson, Karen
McMahon, Charles
Rausch, James
Sanders, Elisabeth

Buxton, Donald
DiFruscia, Anthony
Langley, Jane
Morris, Richard
Robertson, Carl
Splaine, James

STRAFFORD

Brown, Jennifer
Cilley, Jacalyn

Brown, Julie
Creteau, Irene

Brown, Lawrence
Domingo, Baldwin

Callaghan, Frank
Dunlap, Patricia

Goodwin, Earle
Kaen, Naida
Rollo, Michael
Spang, Judith

Grassie, Anne
Keans, Sandra
Rous, Emma
Taylor, Katherine

Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Rodeschin, Beverly

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

Franklin, Peter
Prichard, Stephen

and the majority committee report failed.

Rep. Roberts moved Ought to Pass and offered floor amendment (1725h).

Floor Amendment (1725h)

Amend the resolution by replacing the title of the resolution with the following:
A RESOLUTION urging Congress to support embryonic stem cell research.

Amend the resolution by replacing all after the title with the following:

Whereas, an estimated 128,000,000 Americans suffer from the crippling physical, economic, and psychological burdens of chronic, degenerative, and acute diseases, including diabetes, Parkinson's disease, cancer, and Alzheimer's disease; and

Whereas, chronic, degenerative, and acute diseases result in extreme human loss and suffering for those who suffer from them and their families and caregivers, and result in hundreds of billions of dollars annually in medical treatment and lost productivity costs; and

Whereas, embryonic stem cell research offers immense promise for developing new medical therapies for these debilitating diseases and is a critical means to explore the fundamental questions of biology and could lead to improved treatments and potential cures for diabetes, Parkinson's disease, Alzheimer's disease, spinal cord injuries, burns, cancer, heart disease, and other diseases; and

Whereas, federal funding of embryonic stem cell research should be limited to eggs fertilized in a state or federal certified in vitro fertilization clinic and only for the express purpose of reproduction; and

Whereas, such embryos typically 4 to 5 days old which have been determined by written consent and without any financial inducement by both the egg and sperm donor to never be implanted or authorized to be implanted in any woman would otherwise be discarded as medical waste; and

Whereas, the United States has historically taken a leading role in funding biomedical research and has been a haven for open scientific inquiry and technological innovation, and, as a result, is the preeminent world leader in biomedicine and biotechnology; now, therefore, be it:

Resolved by the Senate, the House of Representatives concurring:

That the New Hampshire general court hereby urges Congress to support embryonic stem cell research; and

That copies of this resolution be sent by the senate clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and the New Hampshire congressional delegation.

AMENDED ANALYSIS

This senate concurrent resolution urges Congress to support embryonic stem cell research.
Rep. Roberts spoke in favor.

MOTION TO LAY ON THE TABLE

Rep. Souza moved that **SCR 6**, urging Congress to support stem cell research, be laid on the table.
Motion failed.

The question now being adoption of floor amendment (1725h).

Rep. Mason spoke against.

Rep. Gionet requested a roll call; sufficiently seconded.

YEAS 179 NAYS 156

YEAS 179

BELKNAP

Fitzgerald, James
Rosen, Ralph

Heald, Bruce

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Martin, James
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Mitchell, Bonnie	Plitka, Stanley Jr	Pratt, John
Richardson, Barbara	Roberts, Kris	Robertson, Timothy	Sawyer, Sheldon
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Theberge, Robert			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth	Golding, William
Goley, Jeffrey	Gorman, Mary	Graham, John	Haley, Robert
Hall, Betty	Harvey, Suzanne	Holden, Randolph	Irwin, Anne-Marie
Jean, Claudette	Kopka, Angeline	Kurk, Neal	Lasky, Bette
Matarazzo, Anthony Sr	Messier, Irene	Movesian, Lori	O'Connell, Timothy
Rochette, Eric	Rosenwald, Cindy	Scanlon, Michael	Shattuck, Gilman
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Vaillancourt, Steve	Velez, Hector		

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Gile, Mary	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Kennedy, Richard	L'Heureux, Stephen	Lockwood, Priscilla
MacKay, James	Marple, Richard	Maxfield, Roy	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Walz, Mary Beth	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Brown, C. Pennington
Buxton, Donald	Cali-Pitts, Jacqueline	Camm, Kevin	Casey, Kimberley
DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth	Hutchinson, Karen
Langley, Jane	Major, Norman	McKinney, Betsy	McMahon, Charles
Morris, Richard	Pantelakos, Laura	Powers, James	Priestley, Anne
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Splaine, James	Winchell, George		

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Callaghan, Frank
Cataldo, Sam	Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin
Dunlap, Patricia	Goodwin, Earle	Grassie, Anne	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Spang, Judith	Taylor, Katherine	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Phiniza, James

Ferland, Brenda
Prichard, Stephen

Franklin, Peter

NAYS 156**BELKNAP**

Allen, Janet
Nedeau, Stephen
Tobin, William

Boyce, Laurie
Russell, David
Veazey, John

Clark, Charles
Thomas, John
Wendelboe, Fran

Flanders, Donald
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Morrow, Harry

Brown, Carolyn
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

McConkey, Mark
Philbrick, Donald

CHESHIRE

Butynski, William

Foote, Sheila

Hunt, John

Parkhurst, Henry

COOS

King, Frederick

Remick, William

Richardson, Herbert

Tholl, John Jr

GRAFTON

Ingbreton, Paul
Ward, John

Maybeck, Margie

Solomon, Peter

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Buhlman, David
Christiansen, Lars
Elliott, Nancy
Goyette, Peter Jr
Hebert, Raymond
Jasper, Shawn
McRae, Karen
Ober, Lynne
Reeves, Sandra
Ryder, Donald
Stepanek, Stephen
Wheeler, James

Allan, Nelson
Boehm, Ralph
Calawa, Leon Jr
Coughlin, Pamela
Emerton, Larry
Hagan, Barbara
Hellig, Steve
L'Heureux, Robert
Mead, Robert
Pepino, Leo
Renzullo, Andrew
Schulze, Joan
Sullivan, Peter
Wheeler, Robert

Balboni, Michael
Brassard, Paul
Carew, James
Crane, Elenore Casey
Francoeur, Bea
Hansen, Ryan
Hinkle, Peyton
Lawrence, James
Mooney, Maureen
Pilotte, Maurice
Ross, Lawrence
Slocum, Lee
Ulery, Jordan

Batula, Peter
Brundige, Robert
Christensen, D L Chris
Dyer, Donald
Gonzalez, Carlos
Hawkins, Ken
Hirschmann, Keith
Manney, Pamela
O'Brien, William
Price, Pamela
Rowe, Robert
Souza, Kathleen
Villeneuve, Maurice

MERRIMACK

Currier, David
Klose, John

Field, William
Langlais, Thomas

Hess, David
Oliver, James

Kidder, David
Soltani, Tony

ROCKINGHAM

Allen, Mary
Charron, Gene
Dowd, John
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, George
Moore, Benjamin
Palazzo, Frank
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger

Bettencourt, David
Coburn, James
Dumaine, Dudley
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
Nowe, Ronald
Parker, Benjamin
Scamman, Stella
Weare, E Albert
Weyler, Kenneth

Cady, Harriet
Cooney, Richard
Fesh, Bob
Gilbert, Karl
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
O'Neil, Michael
Quandt, Marshall Lee
Stiles, Nancy
Welch, David
Zolla, William

Carson, Sharon
Donahue, Richard Ken
Flanders, John Sr
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Mason, April
Packard, Sherman
Quandt, Matthew
Stone, Joseph
Weldy, Norman

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Campbell, W Packy
Chaplin, Duncan	Easson, Timothy	Hofemann, Roland	Newton, Clifford
Twombly, James			

SULLIVAN

Donovan, Thomas	Irish, Christopher	Jillette, Arthur Jr	Osgood, Philip Sr
Rodeschin, Beverly			
and floor amendment (1725h) was adopted.			

The question now being adoption of the motion of Ought to Pass as amended.
Rep. Nancy Elliott spoke against.
Rep. Roberts spoke in favor.

MOTION TO INDEFINITELY POSTPONE

Rep. O'Brien moved that **SCR 6**, urging Congress to support stem cell research, be Indefinitely Postponed.
Reps. Itse and Daniel Eaton spoke against.
Rep. O'Brien spoke in favor.
On a division vote, 134 members having voted in the affirmative and 203 in the negative, the motion to Indefinitely Postpone failed.

The question now being adoption of the motion of Ought to Pass as amended.
Rep. Peter Sullivan requested a roll call; sufficiently seconded.

YEAS 198 NAYS 140**YEAS 198****BELKNAP**

Allen, Janet	Fitzgerald, James	Millham, Alida	Pilliod, James
Rosen, Ralph			

CARROLL

Babson, David Jr	Buco, Thomas	Dickinson, Howard	Knox, J David
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Foot, Sheila	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS

Buzzell, Bernard	Lary, Bruce	Mears, Edgar	Merrick, Scott
Theberge, Robert			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Eaton, Stephanie	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Solomon, Peter		

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Bergin, Peter
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	Desmarais, Vivian	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Emerton, Larry
Essex, David	Gargas, Carolyn	Garrity, Patrick	Ginsburg, Ruth
Golding, William	Goley, Jeffrey	Gorman, Mary	Goyette, Peter Jr
Graham, John	Hall, Betty	Hansen, Ryan	Harvey, Suzanne

Hebert, Raymond
Kopka, Angeline
Messier, Irene
Rosenwald, Cindy
Shaw, Barbara
Sullivan, Peter

Holden, Randolph
Kurk, Neal
Movsesian, Lori
Ryder, Donald
Shaw, Kimberly
Vaillancourt, Steve

Irwin, Anne-Marie
Lasky, Bette
O'Connell, Timothy
Scanlon, Michael
Smith, David
Velez, Hector

Jean, Claudette
Matarazzo, Anthony Sr
Rochette, Eric
Shattuck, Gilman
Sullivan, Francis

MERRIMACK

Anderson, Eric
Clarke, Claire
French, Barbara
Hamm, Christine
L'Heureux, Stephen
Maxfield, Roy
Owen, Derek
Ryan, Jim
Walz, Mary Beth

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Hess, David
Lockwood, Priscilla
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Yeaton, Charles

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Kennedy, Richard
MacKay, James
Oliver, James
Reardon, Tara
Tilton, Joy

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
Kidder, David
Marple, Richard
Osborne, Jessie
Rush, Deanna
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Gillick, Thomas
Kobel, Rudolph
McMahon, Charles
Rausch, James
Sanders, Elisabeth

Belanger, Ronald
Camm, Kevin
Flockhart, Eileen
Gould, Kenneth
Langley, Jane
Pantelakos, Laura
Robertson, Carl
Splaine, James

Brown, C. Pennington
Casey, Kimberley
Francoeur, Sheila
Hutchinson, Karen
Major, Norman
Powers, James
Robinson, John
Wells, Roger

Buxton, Donald
Charron, Gene
Gilbert, Karl
Johnson, Robert
McKinney, Betsy
Priestley, Anne
Rolston, James
Winchell, George

STRAFFORD

Bickford, David
Callaghan, Frank
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Jennifer
Cilley, Jacalyn
Goodwin, Earle
Kaen, Naida
Rollo, Michael
Spang, Judith

Brown, Julie
Creteau, Irene
Grassie, Anne
Keans, Sandra
Rous, Emma
Taylor, Katherine

Brown, Lawrence
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter
Taylor, Kathleen

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

Franklin, Peter
Prichard, Stephen

NAYS 140

BELKNAP

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Russell, David
Veazey, John

Flanders, Donald
Thomas, John
Wendelboe, Fran

Heald, Bruce
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Merrrow, Harry

Brown, Carolyn
Olimpio, J Lisbeth

Martin, James
Patten, Betsey

McConkey, Mark
Philbrick, Donald

CHESHIRE

Butynski, William

Emerson, Susan

Hunt, John

COOS

King, Frederick

Remick, William

Richardson, Herbert

Tholl, John Jr

GRAFTON

Ingbretson, Paul

Maybeck, Margie

Sorg, Gregory

Ward, John

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Boehm, Ralph	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald
Elliott, Nancy	Francoeur, Bea	Gonzalez, Carlos	Hagan, Barbara
Haley, Robert	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Jasper, Shawn	L'Heureux, Robert
Lawrence, James	Manney, Pamela	Martin, Mary Ellen	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	Ober, Lynne
Pepino, Leo	Pilotte, Maurice	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Ross, Lawrence	Rowe, Robert	Schulze, Joan
Slocum, Lee	Souza, Kathleen	Stepanek, Stephen	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Currier, David	Field, William	Klose, John	Langlais, Thomas
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Bettencourt, David	Bishop, Franklin	Cady, Harriet
Carson, Sharon	Coburn, James	Cooney, Richard	Donahue, Richard Ken
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Introne, Robert	Itse, Daniel
Katsakiores, George	Katsakiores, Phyllis	Mason, April	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Parker, Benjamin	Quandt, Marshall Lee	Quandt, Matthew
Scamman, Stella	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Weyler, Kenneth
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Easson, Timothy	Newton, Clifford	Twombly, James

SULLIVAN

Donovan, Thomas	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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and the motion was adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that the House Rules be so far suspended as to permit the deadline of the last day to report Senate Bills be extended to April 27, 2006, for all bills currently in the committees on Finance and Ways and Means.

SB 107-FN, relative to the tax on tobacco products other than cigarettes.

SB 225-FN-A, relative to horse and dog racing.

SB 298-FN, relative to motor vehicle fines.

SB 304, relative to provider payments negotiated by the commissioner of the department of health and human services.

SB 322, establishing the business loan enhancement program and relative to the capital asset backed guarantee program.

SB 363-FN-A-L, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

SB 364-FN-A, relative to funding of the fish and game search and rescue fund and making an appropriation therefor.

SB 367-FN, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds.

SB 371-FN, relative to the continuation of certain wetlands fees.

SB 376-FN-A, relative to revenues dedicated to the education trust fund.

SB 380-FN-A, establishing a research and development credit against business taxes.

SB 384-FN-A-L, establishing a temporary one-time exemption from the real estate transfer tax for certain transfer of family farm or open space land.

SB 387, relative to energy efficiency loans and guarantees by the business finance authority.

SB 397-FN-A, establishing a temporary energy tax credit against the business enterprise tax.

Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that House Rules be so far suspended as to permit the deadline of Wednesday, May 3, 2006, last day to act on Senate bills, be extended to Thursday, May 4, 2006.

Rep. O'Neil spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, April 26, 2006 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 391-FN, relative to insurance third party administrators.

SB 260, relative to certification of a registered nurse responsible for emergency medical transportation.

SB 305-FN, relative to the regulation of recreational therapists.

SB 342, relative to the treatment of glaucoma by optometrists.

SB 404, relative to retirement benefits, service credits, and administration of the Manchester employees' contributory retirement system.

SB 286-FN, relative to notice to defendants in small claims actions.

SB 231, relative to the residency requirement to qualify for the elderly property tax exemption.

SB 269, ratifying certain actions at the 1996 Seabrook annual town meeting.

SB 254, renaming a certain bridge in the town of Stratford the Janice Peaslee Bridge.

SB 233, relative to motorcycle rider education.

SB 281-FN, establishing an organ and tissue donor registry.

SB 357-FN, relative to eligibility for motorcycle licenses.

SB 249, allowing a master electrician to have 2 apprentice electricians under his or her supervision and relative to examinations of electricians by the electricians' board.

SB 358-FN, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients.

SB 294-FN-A, authorizing 7 additional state troopers and making an appropriation therefor.

SB 327, establishing the New Hampshire civil war cannon restoration fund.

SB 310-FN, establishing gold star number plates and relative to special number plates for veterans.

SB 234, including the International Residential Code 2000 in the definition of the state building code.

SB 252, relative to certification of speech-language assistants for purposes of speech language pathology practice.

SB 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts.

SCR 6, urging Congress to support stem cell research.

UNANIMOUS CONSENT

Reps. Weyler, Rowe, Phinizy and Roberts addressed the House.

Rep. John Thomas moved that the remarks of Rep Weyler be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Weyler: Thank you, Mr. Speaker. Fellow Representatives, I'm honored that my colleague from Rochester, Rep. Russ Albert, a genuine Marine hero of the Korean War, has asked me to make remarks about a petition that he has in the anteroom for us all to sign. It involves Gregory "Pappy" Boyington, a famous Marine pilot. Although I am not a Marine pilot. I was an Air Force pilot, Colonel, and have about 900 hours in combat time and lacking Representative Giuda, I am the replacement. There was an attempt at the University of Washington by a student to create a memorial in recognition of Gregory "Pappy" Boyington who was a pilot with the Flying Tigers and later with the Marines in World War II. A few more details about the Colonel: he was awarded the Medal of Honor, the Navy Cross and was the total victor in many more than 26 combats during World War II in the Pacific and Asia. Pappy Boyington was finally shot down and captured. As a prisoner of war, he suffered brutal and horrible prolonged torture at the hands of the Japanese before being released at war's end. Colonel Boyington died of cancer in January 1988. Maybe you're familiar with the Blacksheep Squadron, that TV series that featured him.

The University of Washington student government first rejected the proposed memorial resolution. Comments made by some of the students questioned, if the university should honor a Marine who killed people or a rich white man? Those words became public and generated hundreds of protests of rage by both the students and the university. A typical comment by a veteran was, in part, "I'm appalled at those actions by the students at the university about the Pappy Boyington memorial. He served this nation to help preserve the free society that they are free to be idiots in. People are entitled to their own opinions but it is men like Boyington that make it possible. You should be honoring men like him who go into danger's way to keep you speaking English and protecting the American way of life. You students need to get over your parent's credit limits and where you are partying this weekend. You need to grow up and realize why you have these abundant freedoms. Read the real history of men like Pappy. I will be the first to admit that he was no saint, but he led fighting men, not nuns." A later comment was made by someone who knew him who said, "He was not a rich, white man as vilified by one of the students protesting a memorial in his name. In fact, he lived the final years of his life on the generosity of friends." One veteran who protested the University of Washington's student government is Terry Brady of Anchorage, Alaska, who wrote, "I'm a former Marine, I am also a life member of the University of Washington Alumni Association. The so-called student leaders and whoever supports them as to their attitude towards Pappy Boyington should be ashamed and renounced by the University." Lee Dunbar, the president of the Associated Students of the University of Washington, answered his letter with this, "They informed him the passage of the ASUW resolution 12-26 did call for a memorial to all the Washington alumni awarded the Medal of Honor. So that resolution would honor Gregory Boyington, Deming Bronson, Robert Galer, Robert Leisy and William Nakamura." Dunbar said, "I respect our military and our veterans that is why I co-sponsored the original resolution, as student body president, that should indicate that the community at large wants to honor veterans. Colonel Boyington and others should be honored." Dunbar went on to explain that some of the negative votes were because of the way the original resolution was presented. They wanted the memorial to include more than just Boyington. With that, a new resolution was written and passed by the student government by 61 to 14. Though this is a huge victory, it still must be noted that it only came to pass after nationwide anger erupted following the contentious dialog that defeated the resolution. Even with the 61 to 14 vote for a Medal of Honor memorial, there were 14 students who voted against, and there were another 13 students who abstained. Among those were students who walked out in protest. Nationwide support can make a difference. On behalf of all the veterans, more particularly Rep. Albert, I appreciate the support this House has always given veterans and matters of military, and I appreciate all of you who signed the petition. Thank you, very much.

Rep. Phinizz moved that the remarks of Rep. Rowe be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Rowe: Thank you, Mr. Speaker. As you know, next Monday is the day we celebrate John Stark Day. What amazes me is how few people in this state, and practically everyone from out of our state, don't understand the contribution this man made and the contribution the State of New Hampshire made in the founding of our nation. Consider if you will, as to New Hampshire. Two years before the Declaration of Independence, a year before Concord and Lexington, the political revolution occurred in New Hampshire when our people established the people's government; a precursor to this legislature. Then four months before

Concord and Lexington, the militia members from Portsmouth and surrounding towns attacked the British fort in Portsmouth harbor. An English soldier was wounded, and we captured the fort. So you can argue that the military revolution occurred then. And of course, we know that the first constitution was enacted by the State of New Hampshire in January of 1776.

But what impresses me about General Stark is that he, in fact, did save the infant revolution from an absolute defeat. This occurred in the Battle of Bunker Hill, which actually was on Breed's Hill. The evening beforehand, the militia members from Massachusetts and Connecticut traveled across Charlestown Neck and they dug a fort. In the morning the British arose and they saw that we had an earthen fort overlooking their harbor and their ships in Boston. The general in charge of repelling and throwing the militia off Bunker Hill was General Howe. He recognized that that fort was impregnable, but it was open from behind. We, as amateurs, failed to fortify the eastern flank that ran down a slope from the fort to the Mystic River. He intended to take British troops along the Mystic River shoreline, come around behind our fortress and capture over 800 militia members, and practically all of our powder and shot. At the late morning, General Stark was called and he brought one-half of the New Hampshire militia to Bunker Hill. They hurriedly fortified the flank, and yes, General Howe brought the soldiers in the first wave against the flank. General Stark and the New Hampshire militia stopped them. They retreated. General Howe called for reinforcements, and then again the force came to the flank. And once again, General Stark and the New Hampshire militia defeated them. It was only after the third charge, when we had run out of ammunition, that the fort was overpowered. Even then, it was the New Hampshire militia that armed and protected the rest of the militia members in their retreat back across Charlestown Neck. Had the British captured the fort, our revolution would, in fact, have ended at Bunker Hill. The revolution would have been over for years, possibly decades. So, it's important that we respect and honor this man, General John Stark, next Monday. Thank you, Mr. Speaker.

Rep. Stone moved that the remarks of Rep. Roberts be printed in the Permanent Journal.
Adopted.

REMARKS

Rep. Roberts: Thank you, Mr. Speaker. This is going to be short. I may be one of the few people that actually served with VMFA 214, the Blacksheep Squadron, but a little bit after Pappy Boyington's time. When I was an officer candidate in Quantico, the staff instructor came in, and he was crying and emotional. He said, "Chesty Puller died." I being brand new, no history whatever, I said, "Who the heck is Chesty Puller?" The answer was, "Drop and keep going until I say 'stop'." But what I quickly learned was the importance of heroes. People like Chesty Puller. People like Pappy Boyington. Because it's those people that give us the drive to exceed, to exceed our own expectations. When I read the thing from Rep. Albert, when I read the thing from the University of Washington, I stopped and said, "President Teddy Roosevelt had this thing about the critics. There are so many people who want to be critics without getting into the arena." Pappy Boyington, Chesty Puller, a lot of our great American heroes may not be Sunday school students, may not be people you want to date your daughter, but when the time came to protect this country, they were willing to risk everything to protect this country. It upsets me to say, People who enjoy the benefits are the people who are not willing to risk everything and feel because they don't have to risk anything themselves, it gives them the obligation to be a critic. To me, I really firmly believe in Teddy Roosevelt. The only true critics were those who faced danger head on, confronted it, did what was best for the country and then came back. The strange part about it is the people who do that rarely criticize. The people who criticize rarely do anything. That's why I support this motion. We need to do what we can to instill pride of American heritage into all our citizens because that is what makes us a better country. Thank you.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.
Adopted.

The House recessed at 1:20 p.m.

RECESS

(Rep. Buco in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 254, 1125, 1128, 1132, 1154, 1179, 1185, 1188, 1217, 1222, 1362, 1418, 1484, 1497, 1498, 1517, 1579, 1609, 1636, 1646, and 1663, and Senate Bill numbered 344 and Senate Joint Resolution numbered 4.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGE

CONCURRENCE

CACR 30, relating to limits on the taking of private property. Providing that a person's property shall not be taken by eminent domain if the taking is for private use.

HB 391, relative to election affidavits.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

HB 1111, designating the pumpkin as the New Hampshire state fruit.

HB 1155, creating a violation for failure to pay a highway toll.

HB 1172-FN, relative to registration of political committees.

HB 1174, requiring that voters who request a secret ballot be present at the town meeting.

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.

HB 1307, relative to application requirements for motor vehicle recycling yard licenses.

HB 1320, relative to penalties for planning and zoning violations.

HB 1330, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments.

HB 1394, relative to determination of value of property in current use.

HB 1536, relative to bonds required from persons excavating or disturbing certain highways.

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way.

HB 1634-FN, making technical changes to the law governing the New Hampshire retirement system.

HB 1652-FN, relative to certain insurance claims.

HB 1673-FN, relative to the reduction of mercury emissions.

HB 1709-FN, establishing an autism registry in the department of health and human services.

HB 1738-FN, prohibiting the use of surveillance devices to identify motor vehicles.

HB 1749-FN, relative to access to motor vehicle records by certain defense contractors.

HCR 20, a resolution commending the New Hampshire committee for Employer Support of the Guard and Reserve.

HJR 22, a resolution in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research.

HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain.

NONCONCURRENCE

HB 501, relative to citizenship and domicile affidavits.

HB 1235-FN, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order.

HB 1489, relative to school emergency response plans.

HB 1595-FN, relative to certification of electronic systems technicians by the electricians' board.

HB 1733-FN, establishing a reporting system for court decisions relative to residential responsibility under parenting plans.

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Wednesday, April 26, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Rep. Frances D. Potter, retired Associate Rector of St. Paul's Episcopal Church in Concord.

O Holy and Gracious God, we ask Your blessing upon us as we gather here today. God who is creator of all that is seen and unseen. We seek to protect the world that we live in. Guide us that we may see the needs of our streams and fields, and the people who work in them. We pray for Your compassion on all who do not have homes to live in or food to feed their children, or who are unable to move out of their homes. Be with them this morning and be with us as we think about all of those whom we care about. Bring them joy. Bring us joy as we do Your work in this place. We pray in Your Holy Name. Amen.

Rep. Peter L. Batula, member from Merrimack, led the Pledge of Allegiance.

The National Anthem was sung by Kathy Donahue from Contoocook.

LEAVES OF ABSENCE

Reps. Callaghan, Carew, Chabot, David Cote, Coughlin, Giuda, Gonzalez, Hunter, Putnam, Snyder, Thomas and Whiting, the day, illness.

Reps. Bridle, Casey, Clemons, Domingo, Donald Flanders, Forsing, Foster, Gilbert, Introne, Kobel, Stephen L'Heureux, Lary, Lasky, Lessard, Mason, Messier, Moran, Parker, Roberts, Carl Robertson, Rosen, Rous, Serlin, Stepanek, Tahir and Wiley, the day, important business.

Reps. MaryAnn Blanchard, Buhlman, Itse, Lund and Norelli, the day, illness in the family.

INTRODUCTION OF GUESTS

Jeff, Slattery and Cassidy, husband, son and daughter of today's singer, guests of the House. Chloe Carlston, guest of Rep. Reeves. Rosalie Chase and Catriona Beck, mother and guest of Rep. Claudia Chase. Louise and Brianne Morneau, wife and daughter of Rep. Morneau. Klee Dienes, guest of Rep. Harvey. Members of Teen Pac Leadership School, guests of Rep. Mark Clark. Students and teachers from Towle Elementary School, Debra Beaupre, Elaine Heineman, Teriko McConnell and Stephanie Gilson, guests of the Newport delegation. David Babson III, son of Rep. Babson. Cory Lux, guest of Rep. Emerson. Cindy Bicknell and Craig Taft, wife and son of Rep. Bicknell. Captain Michael Tilton, son of Rep. Franklin Tilton. Allison, Christopher and David Scamman, daughter-in-law and grandsons of the Speaker and Rep. Stella Scamman.

Hannah Gomez, Litchfield student and Melia Robinson, Merrimack High School student, Pages for the Day.

SENATE MESSAGE**REQUEST FOR CONCURRENCE**

HB 1238-FN, relative to centralized voter registration database information. (Amendments printed SJ 04/13/06)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Whalley, Biundo, Reeves and Claudia Chase.

COMMITTEE REPORTS**CONSENT CALENDAR**

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 271, relative to the availability of voter checklist information, removed by Rep. Whalley.

SB 250, relative to lead paint poisoning prevention, removed by Rep. Mirski.

SB 24, relative to disposition upon death of patient accounts in nursing homes, removed by Rep. Soltani.

SB 103-FN-A-L, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund, removed by Rep. O'Neil.

SB 314-FN-L, establishing minimum renewable standards for energy portfolios, removed by Rep. Ross.

SB 341, extending by one year the advisory-only period for OBD II testing, removed by Rep. Kurk. Consent Calendar adopted.

SB 253, relative to enforcement of support orders for college and postsecondary educational expenses. **REFER FOR INTERIM STUDY.**

Rep. Eileen C. Flockhart for Children and Family Law: Owing to the fact that this bill attempts to deal with two disparate areas of court-ordered and voluntary private contracts regarding college education responsibilities, it was felt by the committee that Interim Study would be the most productive way to find genuinely viable solutions to this difficult problem. Our committee has referred HB 1586 for interim study and it, as well, deals with the issue of support orders for college expenses. The study committee would then be able to look at all aspects of both of these bills and be able to recommend future legislation. Vote 14-0.

SB 334, authorizing the use of a credit freeze as a means of deterring identity theft. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betsi L. DeVries for Commerce: This bill establishes a process by which an individual aggrieved by identity theft can apply to credit reporting agencies to place a "freeze" on information which would normally be released in the processing of new credit applications. This would provide protection to consumers by preventing the processing of new credit cards or loans without their permission. This bill also establishes a simple process for individuals to file police reports with local police departments regardless of where the crime of identity theft occurred. Vote 13-0.

Amendment (1590h)

Amend RSA 359-B:22, I and II as inserted by section 1 of the bill by replacing it with the following:

I. "Identity theft" means the unauthorized taking or use of an individual's personal information to obtain credit, goods, services, money, or property, with the intent to commit fraud. In this paragraph, personal information includes, but is not limited to, an individual's first name or initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted:

(a) Social security number.

(b) Driver's license number.

(c) Account number, credit card number, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

II. "Proper identification" has the same meaning as in 15 U.S.C. section 1681h(a)(1), and includes:

(a) The consumer's full name, including first, last, and middle names and any suffix.

(b) Any name the consumer previously used.

(c) The consumer's current and recent full addresses, including street address, any apartment number, city, state, and zip code.

(d) The consumer's social security number.

(e) The consumer's date of birth.

Amend RSA 359-B as inserted by section 1 of the bill by inserting after section 28 the following new section:

359-B:29 Police Report Regarding Identity Theft.

I. A person who has learned or reasonably suspects that he or she has been the victim of identify theft may contact the local law enforcement agency that has jurisdiction over his or her place of residence, which shall take a police report of the matter, and provide the complainant with a copy of that report. Notwithstanding the fact that jurisdiction may lie elsewhere for investigation and prosecution of a crime of identity fraud, the local law enforcement agency shall take the complaint and provide the complainant with a copy of the complaint and may refer the complaint to a law enforcement agency in a different jurisdiction.

II. Nothing in this section shall interfere with the discretion of a local law enforcement agency to allocate resources for investigations of crimes. A complaint filed under this section is not required to be counted as an open case for purposes such as compiling open case statistics.

SB 369, relative to portability, availability, and renewability of health coverage. **OUGHT TO PASS.** Rep. Martha S. McLeod for Commerce: This bill clarifies procedures related to SB 125, 2005 and the small group market. Health carriers are required to use the standard reinsurance underwriting form; provide a rating disclosure form when providing a premium quote; and requests health carriers to supply information and data by April 1 of each year on the small employer health insurance market to the Commissioner of the Department of Insurance. Vote 17-0.

SB 26, requiring identification to obtain a ballot. **INEXPEDIENT TO LEGISLATE.** Rep. Richard B. Drisko for Election Law: The intent of this bill was to require photo ID to obtain a ballot. These issues were covered in previous legislation, HB 345, adopted by the Senate this session. Vote 15-0.

SB 345, relative to lobbyist registration requirements. **INEXPEDIENT TO LEGISLATE.** Rep. William L. O'Brien for Election Law: This bill addresses the issue of late filing of lobbyist reports by proposing, in addition to the current possibility of being charged with a misdemeanor, a daily fine until a late report is filed. While only a small minority of lobbyists file their reports late, there may be a need to impose a financial penalty to discourage such failures. The committee believes, however, that now is not the time to make this change, because the recently enacted SB 206 increases the number of lobbyists' reports that have to be filed to monthly from semi-annually, and this change may well affect the number of late filed reports. If such a change occurs, it may suggest either that no legislation is not necessary or a different approach is needed to avoid late reports than is in this bill. We should wait to see the effect of SB 206 on this issue before legislating a remedy. Vote 13-1.

SB 398-FN, relative to political contributions and expenditures. **INEXPEDIENT TO LEGISLATE.** Rep. Claudia A. Chase for Election Law: A bill of this nature should be submitted during the first year of session, thereby providing a full year for candidates and political committees to be educated about changes to registration and reporting requirements. There are indeed important issues addressed in this bill that the committee felt should be considered in the future and divided into several more focused bills. Vote 15-0.

SB 403, relative to verification of identity when a person registers or attempts to vote. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William L. O'Brien for Election Law: Most of this bill seeks to revisit issues such as photographic IDs for voters and publicly available voter checklist information that has been addressed by other legislative efforts of the House during this biennium. As such, and with one exception, the House has addressed these issues with different and sometimes inconsistent approaches than are suggested by SB 403. The exception is that section of the bill that would require supervisors of the checklist to include election day changes in the statewide voter registration database. This requirement is not yet statutorily mandated, but would be in the bill as amended. Vote 14-0.

Amendment (1840h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to election day changes of address.

Amend the bill by deleting sections 1-2 and renumbering the original section 3-4 to read as 1-2.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect September 1, 2006.

AMENDED ANALYSIS

This bill requires supervisors of the checklist to include election day changes of address in the centralized voter registration database.

SB 255, establishing a committee to study the funding necessary to operate the hazardous materials program in New Hampshire. **OUGHT TO PASS.**

Rep. Jane E. Beaulieu for Environment and Agriculture: This bill will establish a committee to study ways to raise necessary funding for the hazardous waste program in New Hampshire. Testimony indicated federal funds were "drying up" and because of its critical nature, the program must find alternative methods of funding. Vote 13-0.

SB 352-FN, relative to the regulation of real estate appraisers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nelson S. Allan for Executive Departments and Administration: This bill prohibits persons with certain criminal convictions from being licensed or certified real estate appraisers and makes changes to the regulation of real estate appraisers by the Real Estate Appraisers Board. Licenses are now expired on a stagger and renewed every two years. Apprentice real estate appraisers shall work under the supervision appraiser until requirements for licensure or certification have been met. Vote 16-0.

Amendment (1879h)

Amend RSA 310-B:2, II as inserted by section 2 of the bill by replacing it with the following:

II. "Appraisal *report*" or "real estate appraisal *report*" means a written statement [~~independently and impartially~~] prepared by a licensed or certified appraiser, [and] *whether or not* used in connection with a federally-related transaction under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information. *Nothing in this paragraph shall be interpreted to effect the right of any person to provide services under RSA 310-B:3, II, III, or IV.*

Amend RSA 310-B:7 as inserted by section 5 of the bill by replacing it with the following:

310-B:7 Examination Requirements. An original license or certification as a licensed or certified real estate appraiser may be issued to any person who has demonstrated through a proctored written examination process that he or she meets the minimum requirements of the Appraisal Foundation.

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill makes several changes to the licensing requirements for plumbers and certification requirements for water treatment technicians. (1) It specifies that the board shall be made up of three licensed plumbers, one of whom may be a journeyman instead of 2 master plumbers and one journeyman (2) provides rule-making authority for setting fees for plumbing licensure, renewal and late renewal of license, for apprentice identification cards, inspections, copies of the state plumbing code, workshops, courses and seminars offered by the board, (3) provides rule-making authority for the nature of proctored examinations for licensure of plumbers and certification of water treatment technicians, (4) in the absence of a building inspection department of a town or municipality, it provides for inspections and enforcement of plumbers' code by the board. The amendment added work done by students in an approved postsecondary vocational plumbing program to the list of exceptions of the provisions of the program. The amendment also deletes a section of the bill that would have removed the requirement of the presence of a public member for a quorum of the board. Vote 16-1.

Amendment (1829h)

Amend the bill by deleting section 5 and renumbering the original sections 6-22 to read as 5-21, respectively.

Amend RSA 329-A:7 as inserted by section 6 of the bill by replacing it with the following:

329-A:7 Examinations; Licenses and Certificates. [~~The board shall have authority to examine and license master plumbers and journeyman plumbers, and to certify water treatment technicians. When issued, such license shall be valid throughout the state, and the licensee shall be entitled to perform the work of a master or journeyman plumber, as the case may be, anywhere within the state without any payment or additional fee. Each applicant for a license shall present to the secretary of the board on a blank furnished by the board a written application for license, containing such information as the board may require, accompanied by the required fee. Such examinations shall be held at such times and places as the board shall determine.] *The board shall establish through rulemaking, pursuant to RSA 541-A, the nature of proctored examinations required for issuance of master plumber licenses, journeyman plumber licenses, and certifications as a water treatment technician, respectively.* The scope of such examinations and the methods of procedure shall be prescribed by the board, provided that the scope of examination of water treatment technicians shall be limited to the configuration and installation of water treatment systems and the provisions of this chapter and the rules adopted by the board that relate to water treatment systems. Amend the bill by deleting section 13 and renumbering the original sections 14-21 to read as 13-20, respectively.~~

Amend RSA 329-A:13, V as inserted by section 14 of the bill by replacing it with the following:

~~[V:]~~ V. To any plumbing installations in residential buildings performed by students enrolled in a high school vocational plumbing program approved by the department of education *or an approved postsecondary vocational plumbing program*, provided such work is performed under the supervision of either a teacher holding a plumber's license or by a licensed plumber who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board for the licensing and regulation of plumbers. Any person nominated by the state board shall hold a master's license issued by the board. Amend RSA 329-A:16, II as inserted by section 17 of the bill by replacing it with the following:

II. The board shall refer all allegations of violations specified in RSA 329-A:18 to the New Hampshire attorney general and to the county attorney in the appropriate county.

CACR 44, relating to limits on the taking of private property. Providing that a person's property shall not be taken by eminent domain if the taking is for private use. **INEXPEDIENT TO LEGISLATE.** Rep. Maureen C. Mooney for Judiciary: This CACR is an identical twin to CACR 30 which passed the House on March 22, 2006 with a vote of 277 to 61. The committee felt it unnecessary to send two identical amendments to the voters. Vote 20-1.

SB 336, relative to security deposits in landlord tenant matters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cynthia J. Dokmo for Judiciary: The bill eliminates the current requirement that a landlord provide a receipt for a tenant's security deposit, if that deposit is tendered by a personal check, a bank check, or a check issued by a government or non-profit agency on behalf of a tenant. Receipts would continue to be required for any other type of payment. Vote 21-0.

Amendment (1649h)

Amend the bill by replacing section 1 with the following:

I Receipt for Security Deposit; When Required. Amend RSA 540-A:6, I to read as follows:

I. (a) A landlord shall not demand or receive any security deposit in an amount or value in excess of one month's rent or \$100, whichever is greater.

(b) *Except as provided in subparagraph (c)*, upon receiving a deposit from a tenant, a landlord shall forthwith deliver to the tenant a signed receipt stating the amount of the deposit and specifying the place where the deposit or bond for the deposit pursuant to RSA 540-A:6, II(c) will be held, and shall notify the tenant that any conditions in the rental unit in need of repair or correction should be noted on the receipt or given to the landlord in writing within 5 days of occupancy.

(c) *No receipt shall be required when the tenant furnishes a security deposit in the form of a personal check, a bank check, or a check issued by a government or non-profit agency on behalf of the tenant. Regardless of whether or not a receipt is required, the landlord shall provide written notice to the tenant that a written list of conditions in the rental unit in need of repair or correction, if any, should be given to the landlord within 5 days of occupancy.*

SB 265, relative to workers' compensation requirements for out-of-state employers and employees. **OUGHT TO PASS.**

Rep. Roland P. Hofemann for Labor, Industrial and Rehabilitative Services: This bill reverses language enacted a few years ago to help the state of Maine when they were in the middle of a workers compensation crisis. The reason for the bill no longer exists and it is time to put previous law back into place. The Department of Labor supports this legislation. Vote 11-0.

SB 273, relative to reasonable accommodations for employees with disabilities. **OUGHT TO PASS.** Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The committee views this bill as straightforward and aligned with the federal statutes regarding employment discrimination and reasonable accommodation. Vote 11-0.

SB 241, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul R. Hopfgarten for Municipal and County Government: This bill would allow municipalities to exclude certain retirement assets from consideration in qualifying for the elderly prop-

erty tax exemption. However, this bill is not enabling; it requires municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. The current definition of "net assets" is the value of all assets, tangible and intangible minus the value of any good faith encumbrances." The committee heard testimony that this bill would create an opportunity for wealthy individuals to transfer assets and qualify for an exemption, as well as put the local assessors in the role of becoming financial experts. The bill would also create an unfair situation as it would not apply to other income and asset-based property tax exemptions. Technically, the bill would need amending as the application date for exemptions has already passed. The majority of the committee did realize that there are many different types of retirement plans and options in today's world. However, this bill creates more problems than it solves and may result in further tax shifting to benefit the wealthy at the expense of the individual property taxpayer. Vote 13-2.

SB 335, relative to funds of the department of resources and economic development used for snowmobile trail grooming equipment. **OUGHT TO PASS.**

Rep. David H. Russell for Resources, Recreation and Development: This bill will allow the Department of Resources and Economic Development (DRED) to provide grant-in-aid funds to snowmobile clubs for the purchase of grooming equipment during any year (such as this) when that money is not actually expended on grooming because of the lack of snow. Both the New Hampshire Snowmobile Association and the DRED Bureau of Trails support the bill, as a well-maintained network of trails is vital to the state's economy. Vote 16-0.

SB 244, relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James M. Garrity for Science, Technology and Energy: This bill, as amended, allows unclaimed other payments, in addition to unclaimed deposits, as held by utilities to revert to the State Treasury. This is a technical correction, requested by the State Treasurer, which will enable the Treasurer to expend the funds in the public interest payphone fund, to pay the costs of public interest payphones in the state. The public interest payphone fund was established in 2005 under RSA 374:22-q. Vote 12-0.

Amendment (1849h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to unclaimed deposits for utility services.

Amend the bill by deleting sections 1-2 and renumbering the original sections 3-4 to read as 1-2, respectively.

AMENDED ANALYSIS

This bill clarifies the presumptions of abandoned deposits.

SB 389, establishing a committee to study energy efficiency programs funded by the system benefits charge. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lee G. Slocum for Science, Technology and Energy: Both the House and Senate were called into emergency session last December to pass legislation (SB 228) enabling some of the money raised by the System Benefits Charge (SBC), which appears on our electric bills, to be applied to low-income energy assistance programs. At that time numerous questions were raised about the scope, purpose and effectiveness of energy efficiency programs supported by the SBC. This bill was introduced in response to those concerns. The amendment makes minor wording changes to the bill. Vote 17-0.

Amendment (1696h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study programs funded by the system benefits charge.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study programs funded by the system benefits charge.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall undertake a complete analysis of each of the different types of programs that are funded by the system benefits charge. The analysis shall include a critical evaluation of each type of program in order to determine which programs make the best use of system

benefits charge funds and which programs should serve as models for future programs. The committee shall also recommend persons or entities that the committee determines are best suited to administer system benefits charge funds.

AMENDED ANALYSIS

This bill establishes a committee to study programs funded by the system benefits charge.

SB 221, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll. **OUGHT TO PASS.**

Rep. Brenda L. Ferland for Transportation: Defines in statute the authorization for the Department of Safety to require identification and proof of residence from a driver's license applicant. Vote 11-0.

SB 282-FN-L, relative to removal of abandoned vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brenda L. Ferland for Transportation: This bill deals with the removal of abandoned vehicles on private property. Current law is for a land owner to notify a peace officer and the officer shall cause the removal of such vehicle. The Senate changed "shall" to "may" and the Transportation Committee amended this part of the bill back to "shall." The cost of the removal of said vehicle will be the responsibility of the last registered owner according to the Department of Motor Vehicle records. Some members of the committee objected to this part of the bill, as the one who abandoned the vehicle may not be the last owner and would then be held responsible. The last registered owner allows for law enforcement to start the process to find the person responsible for abandoning the vehicle. Also, under the current RSA 262:35-A a person is able to contest a towing charge. Because the Department of Transportation and State Police are seeing cases of people "dumping" vehicles in state-owned park and ride lots, this bill allows for an unattended vehicle to be removed after 30 days. The Department of Environmental Services (DES) also asked for an amendment to streamline the present law in RSA 485-A:14 on removal of motor vehicles that have become partially or completely submerged in water. The amendment says the petroleum-powered vehicle or petroleum containers shall be removed by the state within 48 hours or as soon as weather conditions permit. The amendment goes on to describe what vehicles and containers and fines are included in the law. Also, DES must be notified of any incident of anything in the water and Department of Safety if any injury or death has occurred. Vote 8-3.

Amendment (1727h)

Amend the bill by replacing section 1 with the following:

1 Abandoned Vehicles; Vehicles Removed From Private Property. Amend RSA 262:40-a, I to read as follows:

I. The owner or person in lawful possession of any private property on which a vehicle is parked without his *or her* permission or is apparently abandoned may:

(a) Cause the removal of the vehicle in a reasonable manner provided he *or she* gives notice of such removal to a peace officer as soon as reasonably possible; or

(b) Notify a peace officer that he *or she* wishes to have such a vehicle removed from ~~his~~ *the* property, whereupon the peace officer or another authorized official shall cause the removal of such vehicle pursuant to the removal, impoundment, and notice procedures required by this subdivision.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 5:

3 Abandoned Vehicles; Reasons for Removal and Impoundment; Park and Ride. Amend RSA 262:32, VI to read as follows:

VI. The owner or custodian of the vehicle is under arrest or otherwise incapacitated, and the vehicle will be a menace to traffic if permitted to remain; *or*

VII. A vehicle has been left unattended within a state-owned park and ride lot for a period of greater than 30 days.

4 Water Pollution and Waste Disposal; Prohibited Acts; Vehicles and Containers. RSA 485-A:14 is repealed and reenacted to read as follows:

485-A:14 Prohibited Acts.

I. The lawful owner of any petroleum-powered vehicle or petroleum container that becomes partially or completely submerged in the surface waters of the state shall remove the vehicle or container from the water within 48 hours or as soon thereafter as safety and weather conditions permit. Petroleum-powered vehicles include, but are not limited to, cars, trucks, motorcycles,

snowmobiles, motorized boats, off highway recreational vehicles, all terrain vehicles, construction equipment, trains, and airplanes. Petroleum containers include, but are not limited to, drums, barrels, tanks, pails, cans, jugs, or equipment which contains oil.

II. The lawful owner of the submerged vehicle or container shall notify the department of environmental services in accordance with RSA 146-A, and the department shall investigate any possible contamination and ensure the safe removal of the vehicle or container from the body of water involved. Any partially or completely submerged vehicle or petroleum container shall be presumed to be discharging oil into the surface waters of the state and shall be subject to the reporting, removal, and strict liability requirements of RSA 146-A.

III. The lawful owner of a vehicle shall notify the department of safety, division of safety services, if any person is injured or killed in an incident involving a submerged vehicle.

IV. If the owner refuses or fail to remove a submerged vehicle or container as required by paragraph I, the department of environmental services may contract for the removal of the vehicle or container in question. The owner of the submerged vehicle or container shall be strictly liable for the costs of removing the vehicle or container and the costs of the investigation, containment, cleanup, removal, and corrective measures associated with the discharge. The cost shall be recoverable by the state in an action of debt brought by the attorney general in the name of the state. The state shall impound any submerged vehicle or container recovered, at the expense of the owner, until all costs incurred by the state have been paid by the owner of the vehicle or container.

V. Any person who fails to remove a submerged or partially submerged vehicle or container, as required by paragraph I, shall be guilty of a violation. Agents of the department of safety, division of safety services, or any police officer having jurisdiction over the water body, may issue citations for a violation of this section and issue fines of \$500 for each day the vehicle remains in the water.

AMENDED ANALYSIS

This bill:

I. Clarifies liability for costs of removing abandoned vehicles from private property.

II. Authorizes removal of abandoned vehicles from state-owned park and rides.

III. Modifies procedures and requirements relating to vehicles submerged in surface waters of the state and adds petroleum containers to the submerged vehicle statute.

SB 325, making technical corrections and other changes to motor vehicle laws. OUGHT TO PASS WITH AMENDMENT.

Rep. Sherman A. Packard for Transportation: This bill changes statutes from highway building equipment to construction equipment. It also changes the current way a retail vehicle dealer provides notification to the Department of Safety (DOS) from a sale to a Massachusetts person. It allows the DOS to issue more than one walking disability plate to a person who owns more than one motorcycle, and allows private trucks to put a 9-foot plow on their vehicle. If a rental car company changes a title and registration recovery fee, such changes shall be disclosed. This bill defines a motor home in statute. It clarifies that in cases of motor homes with awnings that exceed 103 inches, the awning shall not be considered as part of the width. It prevents a person from being arrested or having their car towed by a police officer, if they present a valid registration. This has become a minor problem because new registrations or re-registrations sometimes take a few days to get entered into the DOS database. Vote 11-0.

Amendment (1600h)

Amend the bill by replacing all after section 9 with the following:

10 New Sections; Equipment of Vehicles; Width; Snowplows and Motor Homes. Amend RSA 266 by inserting after section 13 the following new sections:

266:13-a Snowplows; Exception. A truck used for snow plowing may be driven on the ways of this state with a plow not exceeding 108 inches in width.

266:13-b Appurtenances on Motor Homes, Trailer Coaches, and Recreation Vehicles. A motor home, trailer coach, or recreation vehicle may be driven on the ways of this state when the overall width is greater than 102 inches, provided the excess over 102 inches is solely due to a non-load-carrying appurtenance that extends no more than 6 inches beyond the body of the vehicle. The term "appurtenance" does not include any item that is temporarily affixed to the exterior of the vehicle by the vehicle's owner for the purpose of transporting the item from one location to another, but does include an awning and its support hardware and other items that are intended to be an integral part of the vehicle and were installed by the motor vehicle manufacturer or dealer.

11 New Section; Motor Vehicles; Words and Phrases Defined; Motor Home. Amend RSA 259 by inserting after section 58 the following new section:

259:58-a Motor Home. "Motor home" shall mean a self-propelled, completely self-contained vehicle that includes the conveniences of a home, including cooking, sleeping, and permanent sanitary facilities, and a driver's seat that is accessible in a walking position from the living quarters.

12 Administration of Motor Vehicle Laws; Records and Certification. Amend RSA 260:14, III-IV to read as follows:

III. Motor vehicle records may be made available *pursuant to a court order or* in response to a request from a state, a political subdivision of a state, ~~[pursuant to a court order,]~~ the federal government, or a law enforcement agency for use in official business. The request shall be on a case-by-case basis. Any records received pursuant to this ~~[section]~~ *paragraph* shall not be further transferred or otherwise made available to any other person or listed entity not authorized under this paragraph.

III-a. Except for a person's photograph, computerized image, and social security number, motor vehicle records may be made available to the department of transportation for the enforcement of the electronic toll collection, pursuant to RSA 236:31. Any records received under this ~~[section]~~ *paragraph* shall not be further transferred or otherwise made available to any non-governmental agency that is not a contracting agent of the department of transportation for the enforcement of electronic toll collection.

IV.(a) Except for a person's photograph, computerized image, and social security number, motor vehicle records shall be made available, upon proof of the identity of the person requesting the records and representation by such person on a form satisfactory to the department that the records will be strictly limited to one of the following described uses:

(1) Motor vehicle manufacturers, or their authorized agents, for use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

(2) Insurance companies authorized to write automobile and personal excess liability insurance policies, or by self-insured entities, or their authorized agents, for use in connection with claims investigation activities, anti-fraud activities, rating, or underwriting.

(b) No motor vehicle records made available under this ~~[section]~~ *paragraph* shall be sold, rented, transferred, or otherwise made available in whole or in part, in any form or format, directly or indirectly, to another person, except that an authorized agent may make such records available to any principal on whose behalf the records were sought if the name of that principal was provided to the department at the time the records were sought.

13 New Section; Rental Vehicle Title and Registration Recovery Fee. Amend RSA 261 by inserting after section 31 the following new section:

261:31-a Rental Vehicle Title and Registration Recovery Fee. A vehicle title and registration recovery fee charged to customers by a company engaged in the rental of motor vehicles shall be fully disclosed to the customer by being separately stated and identified on the rental agreement.

14 Registration Required. Amend RSA 261:40 to read as follows:

261:40 Registration Required. Except as otherwise provided, it is a violation for any person to drive or any owner or custodian to knowingly permit or cause to be driven on the ways of this state any vehicle ~~[of a type required to be registered hereunder]~~ *which is not specifically exempt by statute or rule from the requirement of registration*, unless the same has been registered and the appropriate fee paid in accordance with the provisions of this chapter. The fine for a violation of this section shall be \$100.

15 New Section; Proof of Valid Registration. Amend RSA 261 by inserting after section 59 the following new section:

261:59-a Proof of Valid Registration. No person shall be arrested for a violation of RSA 261:40, nor shall any person's vehicle be towed on account of being unregistered, solely because a computer check indicates that the registration has expired, if the driver presents to the officer a facially legitimate, current registration certificate and the number plates have current, serially numbered decals attached, the serial numbers of which match the numbers on the registration certificate. This section shall not apply in any case where the certificate or decals appear to be counterfeit or altered or the computer check indicates that the plates have been suspended or revoked.

16 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill:

- I. Corrects various obsolete or incorrect references in the motor vehicle laws.
- II. Requires retail vehicle dealers to notify the department of safety of vehicle sales to Massachusetts residents.
- III. Permits a person to receive multiple walking disability motorcycle plates.
- IV. Establishes exceptions to vehicle width limitations for snowplows, motor homes, trailer coaches, and recreation vehicles.
- V. Establishes disclosure requirements for title and registration recovery fees charged by rental companies.
- VI. Clarifies certain vehicle registration requirements.

SB 298-FN, relative to motor vehicle fines. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan W. Almy for Ways and Means: This bill and HB 1243 are different attempts to do the same thing: sunset last year's increase in motor vehicle fines. The House passed HB 1243 on to the Senate, which has passed it with one change: the effective date is now the day after the next budget passes, rather than July 1, 2007. The committee agreed with this change and is therefore recommending Inexpedient to Legislate for the second bill, but wishes to remind the House that if the repeal is not repealed again in 2007, the budget will lose \$5 million per year in revenues. Vote 19-0.

REGULAR CALENDAR

SB 323, establishing a legislative youth advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mary Stuart Gile for Children and Family Law: This bill establishes a legislative youth advisory counsel similar to successful programs in Michigan and Maine. Membership shall include legislators from the House and Senate as well as students, ages 15-21 years. Appointing authorities shall make appointments that foster geographic and socioeconomic diversity and shall appoint at least one member from each county. The council will involve youth with legislators in dealing with policies on issues such as education, employment, strategies to increase youth participation in local and state government, safe environments, emotional and physical health, foster care, poverty, homelessness and youth access to state and local services. The council will file an annual report of its activities, including any recommendation for proposed legislation on or before November 1st of each year. This is an opportunity for state legislators to reach out to youth to engage them in the democratic process. Vote 13-0.

Amendment (1859h)

Amend RSA 19-J as inserted by section 1 of the bill by replacing it with the following:

CHAPTER 19-J

LEGISLATIVE YOUTH ADVISORY COUNCIL

19-J:1 Legislative Youth Advisory Council Established. A legislative youth advisory council is established to examine issues of importance to youth, such as education, employment, strategies to increase youth participation in local and state government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to state and local services. The council shall advise the legislature on these issues and shall submit an annual report with any recommendations for future legislation.

19-J:2 Membership. The council shall consist of 21 members, one of whom shall be a member of the house of representatives and one of whom shall be a member of the senate. The remaining nineteen members shall be youths between the ages of 15 and 22.

I. The president of the senate shall appoint the following 7 members:

(a) Three youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

(b) Three youths who are residents of this state and who are students at postsecondary education institutions located in the state.

(c) One member of the senate.

II. The speaker of the house of representatives shall appoint the following 8 members:

(a) Four youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

(b) Three youths who are residents of this state and who are students at postsecondary education institutions located in the state.

(c) One member of the house of representatives.

III. The governor shall appoint the following 3 members:

(a) Two youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

(b) One youth who is a resident of this state and who is a student at a postsecondary education institution located in the state.

IV. The secretary of state shall appoint the following 3 members:

(a) Two youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

(b) One youth who is a resident of this state and who is a student at a postsecondary education institution located in the state.

V. The appointing authorities shall make appointments that foster geographic and socio-economic diversity among council members and shall appoint at least one member from each of the 10 counties. The legislative members of the council shall serve a term coterminous with their term in office. Nonlegislative members shall serve 2-year terms, except that the initial appointment of 9 of the members shall be for a term of one year. Except for legislative members, no member shall serve on the council for more than 4 years.

19-J:3 Duties. The council shall perform the following duties:

I. Advise the legislature, the president of the senate, and the speaker of the house of representatives on proposed or pending legislation, state budget expenditures, and policy matters related to youth.

II. Advise the joint standing committees of the legislature and legislative study committees, commissions, and task forces on issues related to youth.

III. Conduct an annual seminar each August for council members regarding leadership, government, and the legislature.

IV. Meet no fewer than 4 times per year and conduct 2 public hearings per year on issues of importance to youth.

V. File an annual report of its activities, including any recommendations for proposed legislation, on or before November 1 of each year with the speaker of the house, the senate president, and the state library.

19-J:4 Council Administration.

I. The council member from the house of representatives shall serve as the co-chair of the council and shall call the first meeting of the council. At the first meeting of each calendar year, the members shall elect one of the youth members to serve as co-chair for a term of one year.

II. The council shall set priorities, determine the function of any subcommittees, and adopt procedures and rules governing the council's meetings and activities.

III. The council may provide testimony on legislation pending before the legislature.

IV. Members of the council shall not be compensated, except that legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council.

V. Meetings of the council shall be open to the public, and all records of the council shall be public records.

VI. The New Hampshire Alliance for Civic Engagement, in coordination with the office of the speaker of the house of representatives and the office of the senate president, shall provide staff assistance to the council.

19-J:5 Funding; Legislative Youth Advisory Council Fund Established.

I. The council may accept and expend funds, with the approval of the joint committee on legislative facilities, from public and private sources to support its activities. Funds shall not be accepted from any party with a pecuniary or other vested interest in the outcome of the matters being studied or who would in any way compromise the work of the council. Any person, other than a state agency, who desires to make a financial or in-kind contribution shall certify to the council or its designee in the manner prescribed by the council that the person has no pecuniary or other vested interest in the outcome of the work of the council. All contributions shall be subject to approval by the council and the joint committee on legislative facilities.

11. Any funds received by the council shall be deposited by the state treasurer in a separate, non-lapsing account which shall be known as the legislative youth advisory council fund. The fund shall be continually appropriated to the legislative youth advisory council for the purposes of this chapter and shall be within the oversight of the joint committee on legislative facilities. Amend the bill by inserting after section 1 the following and renumbering section 2 to read as section 3:

2 New Subparagraph; Dedicated Funds; Legislative Youth Advisory Council Fund Added. Amend RSA 6:12, I(b) by inserting after subparagraph (247) the following new subparagraph:

(248) Moneys deposited in the legislative youth advisory council fund established in RSA 19-J:5.

Amendment adopted.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

Rep. McRae moved that the House make **SB 355-FN**, relative to unlawful possession of alcohol by a minor, a Special Order as the first bill after the lunch recess.

Adopted.

REGULAR CALENDAR (CONT'D.)

SB 370-FN, relative to multidisciplinary child protection teams. **OUGHT TO PASS.**

Rep. Anthony P. Matarazzo for Children and Family Law: This bill allows the Department of Children, Youth and Families (DCYF) to enter into agreements and create protocols for multidisciplinary child protection teams in order to minimize the stress on a child being interviewed in an abuse case. Vote 12-0.

Committee report adopted and ordered to third reading.

SB 382, relative to the guardian ad litem board. **OUGHT TO PASS.**

Rep. Mary Stuart Gile for Children and Family Law: This bill recodifies the duties and powers of the guardian ad litem board. The board shall be responsible for overseeing the credentialing, activities, and discipline of guardians ad litem who are, or who have been, certified by the board. The bill deals with the terms of appointment, duties of the board, rulemaking authority, certification, confidentiality and disclosure of information, immunity from civil and criminal actions, court-appointed special advocates and severability. Vote 13-1.

Committee report adopted and ordered to third reading.

SB 230, relative to the qualifications and liability of the medical director responsible for utilization review under the managed care law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stella Scamman for the Majority of Commerce: This bill attempts to define further the term medical director as in RSA 420-J regarding the qualifications and responsibilities for utilization review under the managed care law. This bill, while well intentioned is unnecessary. For example, section 1 of this bill requires that the medical director of a managed care insurance company be a licensed physician. In RSA 420-J: 3xxv-a, the law already requires that such medical directors be licensed physicians. This amended bill creates some serious issues and concerns because it does not mesh with the very extensive requirements already contained in current law. Also SB 74, passed last year, further requires and defines internal grievance procedures. Both the committee and subcommittee support the current comprehensive statute for medical review with the standards in current law crafted to incorporate federal and state provisions. Vote 11-6.

Rep. Marshall E. Quandt for the Minority of Commerce: This bill is about parity. The legislation is a result of painstaking efforts to put HMOs on the hook for medical mistakes. This bill does one thing: it ensures that a medical director working for an insurance company must now accept the responsibility for the decisions that they make, i.e. is accountable to insurance companies, plain and simple. HMOs make decisions and determine treatment of patients on a regular basis, but what the hallmark point of this bill is that although a "treating physician" can be held responsible legally; HMOs are essentially immune from state malpractice

law, because they are protected by federal statute. The legislative intent is to sanction that a "medical director" of an insurance company is subject or held to the same standard as the treating physician; they must also exercise reasonable care or be held accountable.

Rep. Marshall Quandt spoke against.

Rep. Stella Scamman spoke in favor.

On a division vote, 224 members having voted in the affirmative and 86 in the negative, the majority committee report was adopted.

SB 394, establishing the Trust Modernization and Competitiveness Act. OUGHT TO PASS WITH AMENDMENT.

Rep. Tara G. Reardon for Commerce: The Trust Modernization and Competitiveness Act addresses the need for trust and trust services across the nation in a rapidly growing sector of the nation's economy. New Hampshire is uniquely positioned to provide the most attractive legal and financial environment for individuals and families seeking to establish and locate their trusts and investment assets. This act will serve to establish New Hampshire as the best and most attractive legal environment in the nation for trust and trust services, and this environment will attract to our state good-paying jobs for trust and investment management, the legal and accounting professions, and support an infrastructure required to service this growing sector of the nation's economy. The bill is a product of hours of work by New Hampshire's foremost trust attorneys, the Banking Department, the Secretary of State and its Securities Regulation Division, the Office of the Attorney General Charitable Trust Division, the New Hampshire Bankers Association, the sponsors of the legislation and the Commerce Committee members. Extreme efforts were made to ensure that the application process includes scrutiny to avoid unregulated securities transactions. The amendment adds the Secretary of State or his designee as a nonvoting member of the Board of Trust Incorporation, so that the Secretary of State will be able to review records necessary to ensure that all requirements for filings with the Corporate Division are satisfied. These efforts were balanced with the need to preserve the privacy required in family trusts and a welcoming climate to advance the economic development goals of this legislation. Vote 20-0.

Amendment (1927h)

Amend the bill by replacing all after the enacting clause with the following:

I Purpose. The legislature finds that:

I. The market for trust and trust services across the nation is a rapidly growing sector of the nation's economy.

II. New Hampshire is uniquely positioned to provide the most attractive legal and financial environment for individuals and families seeking to establish and locate their trusts and investment assets.

III. This act will serve to establish New Hampshire as the best and most attractive legal environment in the nation for trusts and trust services, and this environment will attract to our state good-paying jobs for trust and investment management, the legal and accounting professions, and support an infrastructure required to service this growing sector of the nation's economy.

IV. This act shall be known as the Trust Modernization and Competitiveness Act.

2 Nondepository Trust Companies; Examination. Amend RSA 383:9-d to read as follows:

383:9-d Examination of Highly Rated Institutions: *Nondepository Trust Companies*.

I. The bank commissioner may, at his or her discretion, waive one 18-month examination requirement under RSA 383:9 every 6 years for institutions which have consistently been given high ratings in past examinations. The commissioner may also substitute for an 18-month examination once every 6 years a report of a federal institution examining agency whose reports regularly include a report on New Hampshire institutions. Within any 6-year period in which 4 18-month examinations are required under RSA 383:9, the commissioner may for highly rated institutions:

[F:] (a) Waive one examination; [and]

[H:] (b) Substitute for one examination a report of a federal bank examining agency whose reports regularly include a report on New Hampshire banks; and

[HH:] (c) Perform 2 examinations as required by 383:9.

II. *The commissioner may, at his or her sole discretion, upon the written request of a highly-rated nondepository trust company, satisfy the examination requirement of RSA 383:9, including modifications under paragraph I, for such trust company through an off-premises examination of:*

(a) An audit report satisfying the requirements of RSA 384:43, I and II if it is prepared in accordance with RSA 384:43, III(a) and (b), a fiduciary audit conforming to applicable generally accepted auditing standards; and

(b) Such other records and information of the institution as may be required by the commissioner.

3 Powers and Inconsistent Charter Provisions. Amend RSA 384 by inserting after section 1-a the following new section:

384:1-b Powers and Inconsistent Charter Provisions. Unless otherwise determined by the bank commissioner, each savings bank, trust company, cooperative bank and other banking company chartered by the state of New Hampshire shall have all the powers, rights, benefits, privileges and procedures conferred upon each of such types of banks by the general statutes and rules adopted thereunder, subject to all the duties and restrictions contained in such general statutes and rules. The provisions of such general statutes and rules shall prevail over any inconsistent charter provisions of such banks.

4 Trust Companies; Banks Authorized to Invest Trust Funds in Affiliated Investments. Amend RSA 384:65 to read as follows:

384:65 Banks Authorized to Invest Trust Funds in Affiliated Investments.

I. Notwithstanding the provisions of any other law to the contrary, *and in addition to any authority granted by RSA 564-B*, any bank, as defined in RSA 384:57, II, authorized to exercise trust powers in this state, is authorized while acting as a fiduciary to purchase for the fiduciary estate, directly from underwriters or distributors or in the secondary market:

(a) Bonds or other securities underwritten or distributed by such bank or an affiliate thereof or by a syndicate which includes such bank or affiliate, provided that such bank discloses in any written communication or account statement reflecting the purchase of such bonds or securities the nature of the interest of such bank or affiliate in the underwriting or distribution of such bonds and securities and whether such bank or affiliate received any fee in connection with such purchase; and

(b) Securities of any investment company [~~registered~~] *as defined* under the federal Investment Company Act of 1940 for which such bank or affiliate acts as advisor, distributor, transfer agent, registrar, sponsor, manager, shareholder servicing agent, or custodian, provided that such bank discloses in any written communication or account statement reflecting the purchase of such securities the nature of the relationship and whether such bank or affiliate received any fee for providing such services.

II. The authority granted in paragraph I of this section may be exercised only if:

(a) The investment is not expressly prohibited by the instrument, judgment, decree, or order establishing the fiduciary relationship;

(b) The bank discloses in writing to the person or persons to whom it sends account statements its intent to exercise the authority granted in paragraph I prior to the first exercise of such authority; and

(c) The bank procures in writing the consent of its cofiduciaries *with discretionary investment powers*, if any, to the investment.

III. A bank, acting as a fiduciary pursuant to RSA 384:65, I, may:

(a) Invest in the securities of an investment company or investment trust, to which such fiduciary or its affiliate provides services in a capacity other than as trustee, such as advisor, distributor, transfer agent, registrar, sponsor, manager, shareholder servicing agent, administrator, or custodian, and such investment is not presumed to be affected by a conflict between personal and fiduciary interests if the investment complies with the prudent investor standard pursuant to article 9 of RSA 564-B.

(b) Be compensated by the investment company or investment trust for providing services in a capacity other than as trustee, such as advisor, distributor, transfer agent, registrar, sponsor, manager, shareholder servicing agent, administrator, or custodian, if the fiduciary at least annually notifies ~~[the] each person [or persons]~~ to whom it ~~[sends]~~ *is required to send* account statements *under RSA 564-B:8-813* of the rate and method by which the compensation was determined.

IV. Nothing in this section shall affect the degree of prudence which is required of fiduciaries under the laws of this state. Any bonds or securities purchased under authority of this section shall have sufficient liquidity and investment quality to satisfy the principles of fiduciary investment and the terms of the instrument, judgment, decree, or order establishing the fiduciary relationship.

V. Notwithstanding paragraphs I-IV, no bank authorized to exercise trust powers in this state which is acting as a fiduciary shall purchase for the fiduciary estate any fixed income or equity security issued by such bank or an affiliate thereof, unless the bank is expressly authorized to do so by the terms of the instrument creating the trust, a court order, the written consent of the grantor of the trust, or the written consent of the *qualified* beneficiaries of the trust, *as defined in RSA 564-B:1-103*.

5 Trust Companies; Bond Requirement. RSA 390:14 is repealed and reenacted to read as follows:

390:14 Bonds. Unless required by the order of a court with proper jurisdiction, no corporation or limited liability company authorized to act as trustee or executor in this state shall be required to give bond of an indemnity company licensed to do business in this state.

6 Repeal. RSA 390:16, relative to making loans from funds held in trust, is repealed.

7 New Section; Trust Companies; Definitions. Amend RSA 392 by inserting after section 1 the following new section:

392:1-a Definitions. For the purposes of title XXXV and RSA 359-C, as applicable:

I. "Confidential information," with respect to a trust company, includes the names of stockholders, members, or other owners; ownership information; capital contributions; addresses; business affiliations; findings of the commissioner or the board of trust company incorporation through any examination or investigation of the commissioner or the board of trust company incorporation; any information required to be reported or filed with the commissioner or the board, any information that qualifies as any person's "nonpublic personal financial information" under Chapter V of the Gramm-Leach-Bliley Act of 1999 and the regulations implementing it; any information or agreement relating to any merger, consolidation, or transfer; any agreements or information relating to any relationship with a contracting trustee; and any other nonpublic information that, in the judgment of the commissioner, could be useful in connection with an act of bribery, extortion, identity theft, or terrorism.

II. "Depository trust company" means a trust company that is organized under this chapter and is not prohibited by its charter from accepting deposits.

III. "Family fiduciary services company" means a nondepository trust company that is organized under this chapter to engage in business with one or more family members and does not transact business with the general public, as defined in RSA 392:39a, I(c) and is prohibited by its charter from making loans.

IV. "Nondepository trust company" means a trust company organized under this chapter but is prohibited by its charter from accepting deposits.

V. "Organizational instrument" means, with respect to a trust company, the articles of agreement for a corporation or the certificate of formation for a limited liability company.

VI. "Trust company" means a depository trust company or a nondepository trust company.

8 Trust Companies; Number of Organizers. Amend RSA 392:2 to read as follows:

392:2 [~~Incorporators~~] **Organizers**. Except as provided in this paragraph, [~~10~~] 3 persons may subscribe to [~~articles of agreement~~] *an organizational instrument* in writing for the purpose of forming a trust company and may, upon compliance with the provisions of this chapter, become a [~~corporation~~] *trust company* with all the powers and privileges and subject to all the duties, restrictions, and liabilities of a trust company, as set forth in the general laws now or hereafter in force relating to such [~~corporations~~] *trust companies*. If a trust company is being organized by a bank holding company or a financial holding company as defined by the federal Bank Holding Company Act of 1956, as amended, or by a savings and loan holding company as defined by the federal Savings and Loan Holding Company Act, as amended, or by any other type of company that will directly or indirectly hold all of the shares *or interests* of the trust company[~~'s capital stock~~], or in connection with a reorganization of a trust company into a holding company structure, then only the holding company or, if applicable, the subsidiary of the holding company that will hold all of the shares *or interests* of the trust company[~~'s capital stock~~], is required to subscribe to the [~~articles of agreement~~] *organizational instrument*.

9 Trust Companies; Limited Liability Company Powers. Amend RSA 392:2-a to read as follows:

392:2-a Limited Liability Company. Notwithstanding RSA 304-C:7, I or any other provision of law to the contrary, a trust company subject to the regulation of the bank commissioner may be organized as a limited liability company *with all the powers and privileges and subject to all the duties, restrictions, and liabilities of a corporate trust company*. A trust company organized as a limited liability company shall [~~be subject to the provisions of~~] *have all the powers and privileges and, except as otherwise provided in this section, be subject to all the duties, restrictions, and li-*

abilities of state [law] laws applicable to [such type of entity] a limited liability company[; provided, however, any filing required to be made with the secretary of state shall be made instead with the bank commissioner]. Any reference to a corporation in the statutes governing trust companies shall also include a limited liability company. A trust company organized as a limited liability company shall be subject to all of the same laws and regulations that relate to a trust company organized as a corporation. All managers and employees of a trust company organized as a limited liability company shall be subject to the same duties and liabilities as pertain to directors, trustees, and employees of a trust company organized as a corporation. Any reference to corporations, directors, officers, stockholders or other like terms used to describe corporations in the statutes governing trust companies shall be construed to apply in the same manner to limited liability companies, managers, employees, members or other like terms used to describe limited liability companies unless the context otherwise requires. The organizational [instruments] instrument of a trust company chartered as a limited liability company [shall satisfy the requirements of the Federal Deposit Insurance Corporation in order to be deemed "incorporated" for purposes of federal deposit insurance] shall provide that its existence shall be perpetual, that the company shall be managed by managers, that no member of the company shall be individually liable for the debts of the company, other than to the extent of the member's investment therein and that any limitation on transferability of ownership interests shall exclude any transfer required by lawful order of the bank commissioner.

10 Nondepository Trust Companies. RSA 392:3 is repealed and reenacted to read as follows:

392:3 Organizational Instrument. Said organizational instrument shall set forth that the organizers thereto associate themselves with the intention of forming a trust company, and shall specifically state:

I. The name by which the trust company shall be known.

II. The purpose for which it is formed, including, for a nondepository trust company, an exclusion from taking deposits.

III. The name of the registered agent and the address of the registered office.

IV. The amount of its capital and the number of shares or interests into which the same is to be divided.

V. Any other provisions consistent with the requirements of RSA 293-A if the trust company is in corporate form or RSA 304-C if the trust company is in limited liability form.

11 Trust Companies; Organizer's Business Address. RSA 392:4 is repealed and reenacted to read as follows:

392:4 Signing Organizational Instrument. Each organizer shall subscribe to the organizational instrument the organizer's name, business post office address, and the number of shares of stock or interests which the organizer agrees to take.

12 Trust Companies; Application for Charter. RSA 392:5 is repealed and reenacted to read as follows:

392:5 Petition.

I. A petition setting forth said organizational instrument or its terms, signed by the organizers and requesting that the board of trust company incorporation grant a charter shall be filed with the bank commissioner in the form prescribed by the commissioner. The commissioner shall designate in such form the questions, requests for information and certifications applicable only to deposit taking or lending institutions that need not be responded to by organizers of a nondepository trust company. An examination fee of \$ 5,000 shall be paid when the petition is filed. Sums collected under this section shall be payable to the state treasurer as restricted revenue and credited to the appropriation for the bank commissioner.

II. Upon receipt of a petition deemed to be complete by the commissioner, the commissioner shall promptly conduct an examination of all relevant facts connected with the formation of the proposed trust company. The commissioner may examine the following factors:

(a) The proposed market or markets to be served.

(b) Whether the proposed organizational and capital structure and the amount of initial capital appear adequate in relation to the proposed business and market or markets.

(c) Whether the anticipated volume and nature of business indicate a reasonable probability of success and profitability based on the market or markets proposed to be served.

(d) Whether the proposed officers and directors or managers, as a group, have sufficient experience, ability, standing, competence, trustworthiness, and integrity to justify a belief that the proposed trust company will be free from improper or unlawful influence and otherwise will operate in compliance with law, and that success of the proposed trust company is reasonably probable.

(e) Whether the proposed name of the proposed trust company is likely to mislead the public as to its character or purpose or is the same as a name already adopted by an existing bank, savings association, or trust institution in this state, or so similar thereto as to be likely to mislead the public.

(f) Any other factor, as the commissioner may determine.

III. The failure of a petitioner to furnish required information, data, other material, or the required fee within 30 days after a request may be considered an abandonment of the petition.

13 Trust Companies; Investigation by Bank Commissioner. Amend RSA 392:5-a to read as follows:

392:5-a Investigations. For the purpose of any investigation under this chapter, the board *or the commissioner* shall have the power to subpoena witnesses and administer oaths in any adjudicative proceedings, and to compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials relevant to its investigation.

14 Trust Companies; Notice. RSA 392:6 is repealed and reenacted to read as follows:

392:6 Notice. Upon a determination by the commissioner that the petition is complete, he or she shall approve the form of a notice to be published in a newspaper of general circulation acceptable to the commissioner. The notice shall be published not later than 30 days after the date of approval. The notice shall state a date before which objections may be filed, which date shall not be later than 30 days after the publication of said notice. Any interested person may, within the time specified, file with the commissioner a statement of objection to the granting of such petition.

15 Trust Companies; Hearings. RSA 392:6-a is repealed and reenacted to read as follows:

392:6-a Hearing. The board may order within its discretion a public hearing on the petition. The board may approve or deny the petition with or without a public hearing. Any required public hearing shall be held at the time and place fixed by the board and a notice shall be published in accordance with the provisions of RSA 392:6. The board may prescribe reasonable procedural rules to govern the proceedings, including rules for maintaining the confidentiality of the portions of the petition, the commissioner's investigation, and the proceedings of the board that include confidential information or are determined by the board or the commissioner or otherwise determined by law to be confidential or to exempt a certain class of petitions from any public hearing requirement. The board shall keep a permanent verbatim record of all such evidence.

16 Repeal. RSA 392:7, relative to form of notice, is repealed.

17 Trust Companies; Decisions. RSA 392:8 is repealed and reenacted to read as follows:

392:8 Decision.

I. In deciding whether or not to grant the petition, the board shall consider the factors set forth in RSA 392:5, II. Upon reaching its decision, the board shall make a record thereof. If the petition is denied, it shall be dismissed and no new petition concerning the same company may be filed within one year thereafter.

II. If in any case the board shall be of the opinion that the petition does not satisfy the factors in RSA 392:5, II by the exercise proposed by the trust company of all the powers and privileges which are included in the petition, but that the same would be satisfied by the exercise of a part thereof, it shall so notify the petitioners; and in such case the petitioners may have leave to withdraw, and may at once file another petition setting forth new organizational documents, upon which the same procedure shall be had as upon the original petition.

18 Repeal. RSA 392:9, relative to new agreement, is repealed.

19 Trust Companies; Decisions. Amend RSA 392 by inserting after section 9 the following new section:

392:9-a Confidentiality.

I. All confidential information received in connection with any petition or application of or concerning a family fiduciary services company shall be confidential communications, shall not be subject to subpoena and shall not be made public unless, in the judgment of the commissioner, the ends of justice and the public advantage will be served by the publication of the information. The commissioner may, at his or her discretion on request or otherwise, determine that confidential information received in connection with any petition or application of or concerning a public trust company other than a family fiduciary services company should not be publicly available, in which case such information shall be confidential communications, shall not be subject to subpoena, and shall not be disclosed unless, in the judgment of the commissioner, the ends of justice and the public advantage will be served by the disclosure of the information.

II. The commissioner shall give to the affected trust company 10-days prior written notice of intent to disclose confidential information directly or indirectly to the public. Any trust company which receives a notice may object to the disclosure of the confidential information and shall be afforded the right to a hearing in accordance with the provisions of RSA 383. If a trust company requests a hearing, the commissioner may not reveal confidential information prior to the conclusion of the hearing and a ruling. Prior to dissemination of any confidential information, the commissioner shall require a written agreement not to reveal the confidential information by the party receiving the confidential information. In no event shall the commissioner disclose confidential information to the general public, any competitor, or any potential competitor of a trust company.

III. Nothing in this chapter is intended to preclude a law enforcement officer from gaining access to otherwise confidential records by subpoena, court order, search warrant, or other lawful means. Notwithstanding any other provision of this chapter, the commissioner shall have the ability to share information with other out of state or federal regulators with whom the department has an information sharing agreement. Nothing in this chapter is intended to preclude any agency of the state of New Hampshire from gaining access to otherwise confidential records in accordance with any applicable law, including in connection with an investigation or review of the secretary of state conducted in accordance with RSA 421-B.

20 Trust Companies; First Meeting. RSA 392:10 is repealed and reenacted to read as follows:

392:10 First Meeting. The first meeting of the organizers shall be called by a notice signed either by that organizer who is designated in the organizational instrument for the purpose, or by a majority of organizers, and such notice shall state the time, place and purpose of the meeting.

21 Repeal. The following are repealed:

I. RSA 392:11, relative to notice of meeting of trust company.

II. RSA 392:12, relative to waiver of notice.

22 Trust Companies; Subscribers Powers. Amend RSA 392:13 to read as follows:

392:13 ~~[Subscribers']~~ **Organizers' Powers.** The ~~[subscribers to the agreement of association]~~ **organizers of a trust company in organization** shall hold the franchise until the organization has been completed.

23 Trust Companies; Organization. RSA 392:14 is repealed and reenacted to read as follows:

392:14 Organization. The organizers shall adopt bylaws which may be incorporated in an operating agreement if the company is a limited liability company, and shall also elect, or cause to be elected, such directors or managers and officers as may be required by the organizational instrument or bylaws. All directors, managers, and officers so elected shall be sworn to the faithful performance of their duties. A temporary clerk or secretary shall make and attest a record of the proceedings until the clerk or secretary has been chosen and sworn, including a record of such choice and qualification.

24 Trust Companies; Certificate. Amend RSA 392:15 to read as follows:

392:15 Certificate. A majority of the directors **or managers** who are elected at such first meeting shall sign and make oath to a certificate setting forth:

I. A true copy of the ~~[agreement of association]~~ **organizational instrument**, the names **and business post office address** of the ~~[subscribers]~~ **organizers** thereto, and the name~~[, residence]~~ and **business post office address** of the **directors, managers, and** officers of the ~~[corporation]~~ **trust company**.

II. The date of the first meeting and the successive adjournments thereof, if any.

III. A copy of the records.

25 Trust Companies; Approval of. Amend RSA 392:16 to read as follows:

392:16 Approval of. Such certificate shall be submitted to ~~[said board of incorporation]~~ **the commissioner**, who shall examine the same, and who may require such amendment thereof or such additional information as ~~[they]~~ **he or she** may consider necessary. If ~~[they]~~ **he or she** ~~[find]~~ **finds** that the ~~[public convenience and advantage will be promoted by the establishment of such corporation]~~ **certificate is consistent with the decision of the board pursuant to RSA 392:8** and that the proceedings in other respects conform to the provisions of this chapter, ~~[they]~~ **he or she** shall so certify and indorse ~~[their]~~ **his or her** approval upon said certificate **and the organizational instrument**.

26 Trust Companies; Record of. RSA 392:17 is repealed and reenacted to read as follows:

392:17 Record of Organizational Instrument. Within 90 days after a favorable decision pursuant to RSA 392:8, petitioners shall file with the secretary of state the organizational instrument.

The secretary of state, upon payment of a fee equal to the fee charged by the secretary of state to business corporations under RSA 293:A if the trust company is a corporation or the fee charged to limited liability companies under RSA 304-C if the trust company is a limited liability company, shall cause the same, with the indorsement thereon, to be recorded.

27 RSA 392:18 is repealed and reenacted to read as follows:

392:18 Certificate of Organization. The secretary shall thereupon issue a certificate of organization in the following form:

STATE OF NEW HAMPSHIRE

Be it known, that whereas (the names of the organizers of the trust company) have associated themselves with the intention of forming a trust company under the name of (the name of the trust company), for the purpose (the purpose declared in the organizational instrument,), with capital of (the amount fixed in the organizational instrument), and have complied with the provisions of the statutes of this state as duly approved by the board of trust company incorporation and recorded in this office: Now, therefore, I (the name of the secretary), secretary of state, do hereby certify that said (the names of the organizers of the trust company), and their successors, are legally organized and established as, and are hereby made, an existing trust company under the name of (name of trust company), with the powers, rights and privileges, and subject to the limitations, duties, and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed, and the seal of the state hereunto affixed, this _____ day of _____ in the year ____ (the date of the filing of the organizational instrument).

The secretary of state shall sign the certificate of organization and cause the seal of the state to be thereto affixed, and such certificate shall have the force and effect of a special charter.

28 Trust Companies; Certificate or Record as Evidence. Amend RSA 392:19 to read as follows:

392:19 Certificate or Record as Evidence. The secretary of state shall also cause a record of the certificate of ~~[incorporation]~~ **organization** to be made, and such certificate, or such record or a certified copy thereof, shall be conclusive evidence of the existence of such ~~[corporation]~~ **trust company**.

29 Trust Companies; When Organized; Beginning Business. RSA 392:20 is repealed and reenacted to read as follows:

392:20 When Organized; Beginning Business. The existence of such trust company shall begin upon the filing of the organizational instrument with the secretary of state. Any trust company organized under this chapter shall begin business within 2 years from the date of its organization; otherwise its charter shall be void, unless the board of trust company incorporation, for good cause shown, shall grant one extension for not more than one year.

30 Trust Companies; List of Owners. Amend RSA 392:22 to read as follows:

392:22 List of ~~[Stockholders]~~ **Owners**. When ~~[the whole capital stock has been issued]~~ **all of the initial investment in the capital of the trust company has been paid**, a complete list of the ~~[stockholders]~~ **investors**, with the name ~~[residence]~~ and post office address of each, and the number of shares **or interests** held by each, shall be filed with the bank commissioner, which list shall be verified by the president and clerk **or secretary** of the ~~[corporation]~~ **trust company**.

31 Trust Companies; Authorizing Business. Amend RSA 392:23 to read as follows:

392:23 Authorizing Business. Upon receipt of such list, the commissioner shall cause an examination to be made; and if, upon such examination, it appears that ~~[the whole capital stock and surplus fund have]~~ **the required capital has been paid [in] to the trust company** in cash, and that all requirements of law have been complied with, the commissioner shall issue a certificate authorizing such ~~[corporation]~~ **trust company** to begin the transaction of business. The cost of such examination shall be paid by the ~~[corporation]~~ **trust company** and shall be limited to a per diem charge for overall compensation costs, including the benefits portion thereof, and expenses as determined by the commissioner, provided, however, that no such ~~[institution]~~ **trust company** shall be charged or pay for less than one full day. Sums collected under this section shall be payable and credited in accordance with the procedure established under RSA 383:11, I.

32 Trust Companies; Unauthorized Acts. RSA 392:24 is repealed and reenacted to read as follows:

392:24 Unauthorized Acts. The transaction of a banking or trust business by such trust company prior to the issuance of a certificate of authority to engage in business issued by the commissioner as required by RSA 392:23 shall make the organization void; and in such case the organizers shall be liable as partners for the contracts, debts, and engagements of the company.

33 Trust Companies; Minimum Capital Requirement. RSA 392:25 is repealed and reenacted to read as follows:

392:25 Minimum Capital Requirements; Investment of Capital.

I. The initial capital required to organize a trust company shall be not less than \$500,000. The board of trust company incorporation may require, in the exercise of its discretion based on safety and soundness factors, as set forth in paragraph IV, additional capital at such levels as it determines is necessary to protect against the risks inherent in the business of the trust company. Once organized, a nondepository trust company shall maintain a minimum level of capital required by the commissioner to operate in a safe and sound manner based upon his or her examination of the company, provided that the level of capital shall not be less than \$500,000.

II. In addition to the minimum capital requirements, a trust company being organized as a nondepository trust company shall pledge to the commissioner securities or a surety bond for the benefit of the commissioner to defray the costs of a liquidation of the trust company by the commissioner in the event it should fail. The amount of the securities or the surety bond shall be determined by the commissioner in an amount that he or she deems appropriate to defray such costs, but in no event shall exceed \$1,000,000. In the event of a receivership of a nondepository trust company, the commissioner may, without regard to any priorities, preferences, or adverse claims, reduce the pledged securities or the surety bond to cash and, as soon as practicable, utilize the cash to defray the costs associated with the receivership. If the nondepository trust company chooses to pledge securities to satisfy this provision, the securities shall be held at a depository institution or a Federal Reserve Bank approved by the commissioner. The commissioner may specify the types of securities that may be pledged. Any fees associated with holding such securities shall be the responsibility of the nondepository trust company. If the nondepository trust company chooses to purchase a surety bond to satisfy this provision, the surety bond shall be issued by a bonding company, approved by the commissioner, that is authorized to do business in this state and that has a rating in one of the 3 highest grades as determined by a national rating service. The surety bond shall be in a form approved by the commissioner. The nondepository trust company may not obtain a surety bond from any entity in which the trust company has a financial interest. The commissioner may require any trust company to increase its capital funds from time to time as may be necessary to comply with reasonable banking and trust standards, as applicable, not inconsistent with law.

III. Nondepository trust companies organized prior to January 1, 2007, shall be required to increase and maintain their level of capital to \$500,000. Any nondepository trust company that has less than \$500,000 in capital on January 1, 2007, shall comply with the minimum capital requirement by January 1, 2010. At a minimum, such nondepository trust company shall increase and maintain its existing capital level by at least \$50,000 per year until January 1, 2010. In addition, a nondepository trust company shall pledge to the commissioner securities or a surety bond for the benefit of the commissioner in the same manner as specified in paragraph II to defray the costs associated with a receivership.

IV. The safety and soundness factors to be considered by the board or the commissioner in the exercise of their discretion include:

(1) The nature and type of business proposed to be conducted including, without limitation, whether the company will accept deposits or make loans.

(2) The nature and liquidity of assets proposed to be held in its own account.

(3) The amount of fiduciary assets projected to be under management.

(4) The type of fiduciary assets proposed to be held and the proposed depository of the assets.

(5) The complexity of fiduciary duties and degree of discretion proposed to be undertaken.

(6) The competence and experience of proposed management.

(7) The extent and adequacy of proposed internal controls.

(8) The proposed presence or absence of annual unqualified audits by an independent certified public accountant.

(9) The reasonableness of business plans for retaining or acquiring additional equity capital.

(10) The existence and adequacy of insurance proposed to be obtained by the trust company for the purpose of protecting its clients, beneficiaries, and grantors.

V. Based on the factors in paragraph IV, the commissioner may require any trust company to increase its capital funds from time to time as may be necessary for its safe and sound operation.

VI. Notwithstanding any other provisions of law to the contrary, a nondepository trust company may invest its funds for its own account in any type or character of equity securities or debt securities subject to the limitations provided by this section, which investments shall otherwise comply with the prudent investor standard described in RSA 564-B:9-902.

VII. Subject to paragraphs VIII and IX, the total investment in equity and investment securities of any one issuer, obligor, or maker held by a nondepository trust company for its own account shall not exceed an amount equal to 15 percent of the nondepository trust company's equity capital. The commissioner may authorize investments in excess of this limitation if the commissioner concludes that the safe and sound operation of a nondepository trust company would not be adversely affected by a proposed investment exceeding this limitation.

VIII. In calculating compliance with the investment limits set forth in paragraph II, a nondepository trust company shall not be required to combine:

(a) The nondepository trust company's pro rata share of the securities of an issuer in the portfolio of a collective investment vehicle with the nondepository trust company's pro rata share of the securities of that issuer held by another collective investment vehicle in which the nondepository trust company has invested; or

(b) The nondepository trust company's own direct investment in the securities of an issuer with the nondepository trust company's pro rata share of the securities of that issuer held by collective investment vehicles in which the nondepository trust company has invested under the provisions of this section.

IX. Notwithstanding paragraph VII, a nondepository trust company may purchase for its own account, without limitation and subject only to the exercise of prudent judgment:

(a) Bonds and other general obligations of a state, an agency, or political subdivision of a state, the United States, or an agency or instrumentality of the United States.

(b) A debt security that this state, an agency or political subdivision of this state, the United States, or an agency or instrumentality of the United States has unconditionally agreed to purchase, insure, or guarantee.

(c) Securities that are offered and sold under 15 U.S.C. section 77d(5).

(d) Mortgage-related securities as defined in 15 U.S.C. section 78c(a).

(e) Investment securities issued or guaranteed by the Federal Home Loan Mortgage Corporation, Fannie Mae, the Government National Mortgage Association, the Federal Agricultural Mortgage Association, or the Federal Farm Credit Banks Funding Corporation; and

(f) Investment securities issued or guaranteed by the North American Development Bank.

X. The commissioner may allow a nondepository trust company to make other investments of its corporate funds not specified in this chapter by rules, orders, or declaratory rulings.

34 Trust Companies; Par Value. RSA 392:26, relative to change in par value, is repealed.

35 Trust Companies; Petition. RSA 392:27 is repealed and reenacted to read as follows:

392:27 Petition. Any trust company organized under this chapter or chartered prior to the passage thereof may file with said board of incorporation a petition setting forth an amendment to its organizational instrument, within the provisions of this chapter, and praying for approval of the amended organizational instrument based on the considerations set forth in RSA 392:5, II.

36 Trust Companies; Procedure; Effect. Amend RSA 392:28 to read as follows:

392:28 Procedure; Effect. If the decision is favorable to the petition a copy of the said amended ~~[certificate or charter]~~ **organizational instrument**, certified by the clerk ~~or secretary~~ of the ~~[corporation]~~ **trust company**, with the approval of said board indorsed thereon, shall be filed in the office of the secretary of state, accompanied by a fee equal to the fee charged by the secretary of state to business corporations under RSA 293-A *if the trust company is a corporation or the fee charged to limited liability companies under RSA 304-C if the trust company is a limited liability company*, and thereupon the secretary of state shall cause the same, with the endorsement thereon, to be recorded as provided in RSA 392:17, and shall issue a certificate of such amended ~~[incorporation]~~ **organizational instrument**, which shall conform as nearly as may be to the form prescribed in RSA 392:18 and shall have the same force and effect, and thereafter such ~~[corporation]~~ **trust company** shall have all the powers and privileges provided for by such amended certificate or charter and shall be subject to all the provisions of this chapter.

37 Trust Companies; Election. Amend RSA 392:30 to read as follows:

392:30 Election. The ~~[officers]~~ **management** of ~~[such corporation]~~ **a trust company** shall ~~[be]~~ **include** a president, a clerk ~~or secretary~~, a board of not less than 5 directors ~~or manag-~~

ers, a treasurer, and such other officers as may be prescribed in its ~~[bylaws]~~ *organizational instrument or other organizational documents* and the laws of the state. Such officers, except the treasurer, shall be chosen annually.

38 Trust Companies; Treasurer. Amend RSA 392:31 is repealed and reenacted to read as follows:

392:31 Treasurer. The treasurer shall be elected by the board of directors or managers and shall hold office during their pleasure.

39 Trust Companies; In General. RSA 392:33 is repealed and reenacted to read as follows:

392:33 In General.

I. A trust company may be authorized and empowered to receive on deposit, storage or otherwise, money, securities, jewelry, documents, evidences of debt, and other personal property of a similar character, for safekeeping, upon such terms or conditions as may be agreed upon, which said deposits may be made by corporations and persons acting individually or in any fiduciary capacity; to collect and disburse the income and principal of said property when due; to negotiate, purchase, and sell stocks, bonds, and other evidences of debt; to do a general banking business; and to conduct a savings bank business, provided a non-depository trust company may not accept deposits.

II. In addition to the foregoing, and not limited to, a trust company may act as a fiduciary within or outside this state or in similar capacities generally performed by corporate trustees, and in so acting to possess, purchase, sell, invest, reinvest, safekeep, or otherwise manage or administer real or personal property of other persons, and exercise the powers of a business corporation or limited liability company organized under New Hampshire law and any incidental powers that are reasonably necessary to enable it to fully exercise, in accordance with commonly accepted banking and fiduciary customs and usages, a power conferred in this chapter or RSA 390.

III. Notwithstanding any other provision of law to the contrary, a trust company shall be authorized to make any type of secured or unsecured loan to any person, including without limitation any business or governmental entity except to the extent limited by its organizational instrument. With respect to secured loans, a trust company shall adopt prudent policies establishing loan-to-value ratios suitable for the type of property securing the loans. With respect to all loans, a trust company shall adopt prudent policies establishing the creditworthiness of borrowers.

40 Trust Companies; Pledge of Assets. Amend RSA 392:34 to read as follows:

392:34 Pledge of Assets. Such ~~[corporation]~~ *trust company* may be authorized, by vote of its board of directors *or managers*, to pledge the assets of its commercial department to the United States when such action is necessary or desirable to secure deposits in said department by the United States government in connection with war loan deposit accounts or other similar accounts.

41 Trust Companies; Transfer Agent. Amend RSA 392:35 to read as follows:

392:35 Transfer Agent, Acting As. Such ~~[corporation]~~ *trust company* may be authorized and empowered to act as agent for the purpose of issuing, registering, or countersigning certificates of stock, bonds, or other evidence of indebtedness of any corporation, association, municipal corporation, county or state government, on such terms as may be agreed upon.

42 Trust Companies; Real Estate. Amend RSA 392:37 to read as follows:

392:37 Real Estate. Every such ~~[corporation]~~ *trust company* may acquire and hold real estate for its own use, in whole or in part, but its investment in such real estate, exclusive of any real estate which may be taken in good faith for debt or held as collateral security, shall not exceed an amount equal to 50 percent of the sum of its capital and surplus, except with the approval of the commissioner.

43 Trust Companies; Prohibited Loans and Purchases. Amend RSA 392:38 to read as follows:

392:38 Prohibited Loans and Purchases. No such ~~[corporation]~~ *trust company* shall make a loan or discount on the security of the shares ~~[of its own capital stock]~~ *or interests*, nor be the purchaser or holder of such shares *or interests* unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock *or interests* so purchased or acquired shall within 6 months after its purchase be sold or disposed of at public or private sale, unless such time is extended by the commissioner.

44 Trust Companies; Redemptions. Amend RSA 392:38-a to read as follows:

392:38-a Redemption of Shares *or Interests*. Notwithstanding the provisions of RSA 392:38, any such ~~[corporation]~~ *trust company* which then has more than 500 holders of the shares *or interests* of its own capital stock shall be entitled, with the express written approval of the bank commissioner, to redeem any and all of such shares *or interests* from holders thereof who own in the aggregate 10 shares or less of such stock. Such redemption shall be pursuant to a tender offer, the form of which shall have been approved by the bank commissioner, and all shares *or interests*

so redeemed shall be retired within 60 days of the expiration of the tender offer, thereby reducing the authorized capital stock of the ~~[corporation]~~ **trust company**. Within said 60 day period the ~~[corporation]~~ **trust company** shall file with the board of trust company incorporation, as required under RSA 392:27, an appropriate amendment reciting the change in outstanding shares **or interests**.

45 New Subdivision; Family Fiduciary Services Companies. Amend RSA 392:39 by inserting after section 392:39 the following new subdivision:

Family Fiduciary Services Companies

392:39-a Definitions; Exemption From Certain Laws.

I. For purposes of this subdivision:

(a) "Designated relative" means the individual required to be named in the application under RSA 392:39-b, I(e) requesting an exemption from certain provisions of this chapter pursuant to RSA 392:39-a, III.

(b)(1) "Family member" means the designated relative and:

(A) Any individual within the fifth degree of lineal kinship to the designated relative;

(B) Any individual within the ninth degree of collateral kinship to the designated relative;

(C) The spouse of the designated relative and of any individual qualifying as a family member under subparagraphs (a) and (b);

(D) A company controlled by one or more family members, who shall possess, directly or indirectly, the power to direct or cause the direction of the management and policies of such company, whether through the ownership of voting securities, by contract, or otherwise;

(E) A trust established by a family member or by an individual who is not a family member if non-charitable beneficiaries who are family members represent a majority of interest in the trust;

(F) The estate of a family member; or

(G) A charitable foundation or other charitable entity created by a family member.

(2) For purposes of this subparagraph, a legally adopted individual shall be treated as a natural child of the adoptive parents.

(3) For purposes of this subparagraph, lineal kinship shall mean a family member who is in the direct line of ascent or descent from the designated relative. Collateral kinship shall mean a relationship that is not lineal, but stems from a common ancestor. Degrees are calculated by adding the number of steps from the designated relative through each person to the family member either directly in the case of lineal kinship or through the common ancestor in the case of collateral kinship.

(4) For purposes of this subparagraph, no company, trust, charitable foundation, or other charitable entity shall qualify as a family member if the commissioner determines such entity was organized or operated for the purpose of evading the limitations of RSA 392:39-a, I.

(c) "Transact business with the general public" means engaging in any sales, solicitations, arrangements, agreements, or transactions to provide trust business services, whether or not for a fee, to more than 15 natural persons that are not family members. In order for a person to be eligible to receive such trust business services, the person shall be:

(1) An employee of the family fiduciary services company or of a trust or company that is a family member; and

(2) Engaged principally in providing services to the family fiduciary services company or its fiduciary accounts.

II. A family fiduciary services company engaging in trust business in this state shall comply with all provisions of this chapter applicable to a nondepository trust company, unless expressly exempted from this chapter by the commissioner pursuant to this section.

III. A family fiduciary services company or proposed family fiduciary services company may request in writing that it be exempted from specified provisions of title 35, including without limitation RSA 383:9, RSA 383:13-a, RSA 384:3, RSA 384:4, RSA 384:7, RSA 384:7-b, RSA 384:43, RSA 390:8, RSA 390:14, RSA 392:6-a, and RSA 392:30. The commissioner may grant or deny the exemption request in whole or in part. The commissioner also may issue rules, orders, or declaratory rulings granting exemptions to all family fiduciary services companies, or to family fiduciary services companies that meet specified conditions.

IV. The commissioner may examine or investigate the family fiduciary services company or proposed family fiduciary services company in connection with the application for exemption. Unless the application presents novel or unusual questions, the commissioner shall approve or deny the application for exemption no later than the 61st day after the date the commissioner considers the application complete and accepted for filing. The commissioner may require the submission of additional information in order to make an informed decision to approve or reject the proposed exemption.

V. Any exemption granted under the provisions of this section may be made subject to conditions or limitations imposed by the commissioner consistent with this subdivision, and those conditions or limitations shall be included in an order.

VI. If an application under this section is approved by the commissioner, the petition of the organizers for a charter for the proposed trust company shall be exempt from the notice, objection, and hearing provisions of RSA 392:6 and RSA 392:6-a, and any petition by a family fiduciary services company under RSA 392:27 shall be decided by the commissioner and exempt from any notice or hearing requirement, except as otherwise ordered in the particular case by the board.

VII. Rules, orders, or declaratory rulings of the commissioner may provide for other circumstances that justify exemption from specific provisions of this chapter or RSA 383, RSA 384, RSA 390 or RSA 392-A, specifying the provisions that are subject to the exemption request, and establishing procedures and requirements for obtaining, maintaining, or revoking exemptions.

392:39-b Requirements to Apply for and Maintain Status as a Family Fiduciary Services Company.

I. A family fiduciary services company or a proposed family fiduciary services company requesting an exemption from the provisions of this chapter pursuant to RSA 392:39-a shall file an application with the commissioner, in the form required by the commissioner, containing, preceded, or accompanied by:

(a) An application fee of \$1,500;

(b) A statement under oath of the reasons for requesting the exemption;

(c) A statement under oath showing that the family fiduciary services company is not currently transacting business with the general public and that the company will not transact business with the general public without the approval of the commissioner;

(d) A listing of the specific provisions of this chapter or RSA 383, RSA 384, RSA 390 or RSA 392-A from which exemption is requested; and

(e) The name of the designated relative whose relationship to other individuals determines whether the individuals are family members under RSA 392:39-a, I(b). The designated relative must be living and 18 years of age or older at the time the application is made.

II. The commissioner may make further inquiry and investigation as the commissioner deems appropriate. Notwithstanding any other law to the contrary, information bearing on actual or proposed accounts of the family fiduciary services company or proposed family fiduciary services company applying for the exemption or the identity or residence address of the designated relative or any other family member is confidential and not subject to public disclosure.

III. To maintain its status as a family fiduciary services company and to maintain any exemptions from the provisions of this title granted by the commissioner, a family fiduciary services company shall file with the commissioner an annual certification that it is in compliance with the provisions of this subdivision and the conditions and limitations of all exemptions granted. This annual certification shall be filed in the form required by the commissioner and accompanied by a fee of \$100. The annual certification shall be filed on or before December 31 of each year. The commissioner may examine or investigate the family fiduciary services company periodically as necessary to verify the certification.

IV. In any transaction involving a family fiduciary services company for which an application is required under RSA 383, RSA 388, RSA 389 or RSA 389-A, any exemption from the provisions of this chapter granted to the family fiduciary services company shall automatically terminate upon the consummation of the transaction unless the commissioner approves the continuation of the exemption.

V. The commissioner may revoke any exemption from the provisions of this chapter granted to a family fiduciary services company in the following circumstances:

(a) An officer or director of the family fiduciary services company makes a false statement under oath on any document required to be filed by this chapter or by any rules or orders of the commissioner;

(b) The family fiduciary services company fails to submit to an examination by the commissioner as required by law;

(c) An officer or director of the family fiduciary services company withholds requested information from the commissioner;

(d) The family fiduciary services company violates any provision of this subdivision or fails to meet any condition on which the exemption is based; or

(e) The family fiduciary services company refuses to comply with any rule or order of the commissioner.

VI. If the commissioner determines from examination or other credible evidence that a family fiduciary services company has violated any of the requirements of RSA 392:39-a through RSA 392:39-c or fails to meet any condition or limitation on which an exemption from the provisions of this chapter is based, the commissioner may by personal delivery or registered or certified mail, return receipt requested, notify the family fiduciary services company that the family fiduciary services company's exemptions from the provisions of this chapter will be revoked unless the family fiduciary services company corrects the violation or failure or shows cause why any exemptions should not be revoked. The notification shall state grounds for the revocation with reasonable certainty and shall advise of an opportunity for a hearing. The notice shall state the date upon which the revocation shall become effective absent a correction or showing of cause why the exemption should not be revoked, which shall not be before the 30th day after the date the notification is mailed or delivered, except as provided in paragraph VII. The revocation shall take effect for the family fiduciary services company on the date stated in the notice if the family fiduciary services company does not request a hearing in writing before the effective date. After the revocation takes effect, the family fiduciary services company shall be subject to all of the requirements and provisions of this chapter applicable to a nondepository trust company.

VII. If the commissioner determines from examination or other credible evidence that a family fiduciary services company appears to be engaging or attempting to engage in acts intended, designed, or likely to deceive or defraud the public, the commissioner may shorten or eliminate the 30-day notice period specified in paragraph VI, but shall promptly afford a subsequent hearing upon request to rescind the action taken.

VIII. If the family fiduciary services company does not comply with all of the provisions of this chapter or correct any failure to meet any condition or limitation on which an exemption is based within the notice period specified in paragraph VI, the commissioner may institute any action or remedy prescribed by this chapter or any applicable rule.

392:39-c Conversion to Nondepository Public Trust Company Transacting Business With the General Public.

I. Before transacting business with the general public, a family fiduciary services company shall file a notice on a form prescribed by the commissioner, which shall set forth the name of the family fiduciary services company and an acknowledgment that any exemption granted or otherwise applicable to the family fiduciary services company pursuant to RSA 392:39-a shall cease to apply once the commissioner terminates family fiduciary services company status. The family fiduciary services company shall furnish a copy of the resolution adopted by its board of directors authorizing the family fiduciary services company to commence transacting business with the general public, and shall pay the filing fee, if any, prescribed by rule of the commissioner.

II. The family fiduciary services company may commence transacting business with the general public on the 31st day after the date the commissioner receives the notice, unless the commissioner:

(a) Establishes an earlier or later date;

(b) Notifies the family fiduciary services company that the notice raises issues that require additional information or additional time for analysis; or

(c) Disapproves the termination of family fiduciary services company status.

III. If the commissioner gives a notification described in subparagraph II(b), the family fiduciary services company status may be terminated only on approval by the commissioner.

IV. The commissioner may deny approval of the proposed termination of family fiduciary services company status if the commissioner finds that the family fiduciary services company lacks sufficient resources to undertake the proposed conversion without adversely affecting its safety or soundness or if the commissioner determines that the family fiduciary services company could not within a reasonable period be in compliance with any provision of this chapter from which it previously had been exempted pursuant to RSA 392:39-a. Such determination shall be based on the factors set forth in RSA 392:5, II to the extent applicable.

46 Uniform Transfer on Death; Definitions. Amend RSA 563-C:2, V to read as follows:

V. "Registering entity" means a person who originates or transfers a security title by registration, and includes a broker, **a bank defined in RSA 384-B:1, I, or a national bank or federal savings bank authorized to conduct business in this state** maintaining security accounts for customers and a transfer agent or other person acting for or as an issuer of securities.

47 Uniform Trust Code; Definitions. Amend RSA 564-B:1-103(10) to read as follows:

(10) "Power of withdrawal" means a presently exercisable general power of appointment other than a power exercisable by a trustee which is limited by an ascertainable standard [~~related to a beneficiary-trustee's health, education, maintenance, or support,~~] or which is exercisable by another person only upon consent of the trustee or a person holding an adverse interest.

48 New Paragraphs; Uniform Trust Code; Definitions. Amend RSA 564-B:1-103 by inserting after paragraph (21) the following new paragraphs:

(22) "Ascertainable standard" means a standard related to an individual's health, education, support, or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code of 1986, as in effect on the effective date of this chapter, or as later amended.

(23) "Directed trust" means a trust where either through the terms of the trust, an agreement of the beneficiaries, or a court order, one or more persons is given the authority to direct or consent to a fiduciary's actual or proposed investment decision, distribution decision, or any other noninvestment decision of the fiduciary.

(24) "Excluded fiduciary" means any fiduciary excluded by the terms of the trust or by court order from exercising a power, or relieved by the terms of the trust of by court order of a duty, because, by the terms of the trust or by court order, such power or duty is vested in another person.

(25) "Include" and "including" means the same as "include, without limitation" and "including, without limitation" regardless of whether expressly specified.

(26) "Investment company" means an investment company as defined under the federal Investment Company Act of 1940.

(27) "Trust advisor" means any party whose appointment is provided for by the terms of the trust and whose powers are defined in RSA 564-B:12-1203 but excludes any person who does not have the authority to direct or consent to a fiduciary's actual or proposed investment decision, distribution decision, or any other noninvestment decision or who does not have any of the powers identified in RSA 564-B:7-711(c).

(28) "Trust protector" means any disinterested party whose appointment is provided for by the terms of the trust and whose powers are defined in RSA 564-B:12-1203 but excludes any person who does not have the authority to direct or consent to a fiduciary's actual or proposed investment decision, distribution decision, or any other noninvestment decision or who does not have any of the powers identified in RSA 564-B:7-711(b).

49 Uniform Trust Code; Default and Mandatory Rules. Amend RSA 564-B:1-105(b)(8)-(13) to read as follows:

(8) [~~the duty under RSA 564-B:8-813 (c) and (d) to provide specified information to certain qualified beneficiaries and others who are treated as qualified beneficiaries of certain irrevocable trusts;~~]

[~~(9)~~] the effect of an exculpatory term under RSA 564-B:10-1008;

[~~(10)~~] (9) the rights under RSA 564-B:10-1010 through RSA 564-B:10-1013 of a person other than a trustee or beneficiary;

[~~(11)~~] (10) statutory periods of limitation for commencing a judicial proceeding;

[~~(12)~~] (11) the power of the court to take such action and exercise such jurisdiction as may be necessary in the interests of justice; and

[~~(13)~~] (12) the subject-matter jurisdiction of the court and venue for commencing a proceeding as provided in RSA 564-B:2-203 and RSA 564-B:2-204.

50 New Paragraph; Uniform Trust Code; Authority of Director of Charitable Trusts. Amend RSA 564-B:1-110 by inserting after paragraph (c) the following new paragraph:

(d) No provision of this chapter shall limit the authority of the director of charitable trusts to supervise and control charitable organizations.

51 Uniform Trust Code; Nonjudicial Settlement Agreements. Amend RSA 564-B:1-111(d) to read as follows:

(d) Matters that may be resolved by a nonjudicial settlement agreement include *without limitation*:

(1) the interpretation or construction of the terms of the trust;

(2) the approval of a trustee's report or accounting;

(3) direction to a trustee to refrain from performing a particular act or the grant to a trustee of any necessary or desirable power;

(4) the resignation or appointment of a trustee and the determination of a trustee's compensation;

(5) transfer of a trust's principal place of administration; ~~and~~

(6) liability of a trustee for an action relating to the trust~~[-]; and~~

(7) the termination or modification of a trust.

52 Uniform Trust Code; Enforcement by Director of Charitable Trusts. Amend RSA 564-B:4-405(c) to read as follows:

(c) The settlor of a charitable trust *or the director of charitable trusts*, among others, may maintain a proceeding to enforce the trust. In any such proceeding *where the director of charitable trusts is not a party*, the director of charitable trusts shall be joined as a necessary party.

53 Uniform Trust Code; Noncharitable Trust Without Ascertainable Beneficiary. Amend RSA 564-B:4-409(1) and (2) to read as follows:

(1) A trust may be created for a noncharitable purpose without a definite or definitely ascertainable beneficiary or for a noncharitable but otherwise valid purpose to be selected by the trustee. ~~[The trust may not be enforced for more than 21 years.]~~

(2) A trust authorized by this section may be enforced by a *trust advisor, a trust protector, a* person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court.

54 Uniform Trust Code; Modification or Termination Because of Unanticipated Circumstances or Inability to Administer Trust Effectively. Amend RSA 564-B:4-412(a) to read as follows:

(a) Upon petition by the trustee or trustees, the director of charitable trusts *(in the case of a charitable trust)* or an interested party other than the settlor, the court may modify the administrative or dispositive terms of a trust or terminate the trust if, because of circumstances not anticipated by the settlor, modification or termination will further the purposes of the trust. To the extent practicable, the modification must be made in accordance with the settlor's probable intention.

55 Uniform Trust Code; Discretionary Trusts. Amend RSA 564-B:5-504(b) to read as follows:

(b) Except as otherwise provided in subsection (c) ~~[and (d)]~~, whether or not a trust contains a spendthrift provision, a creditor of a beneficiary may not compel a distribution that is subject to the trustee's discretion, even if:

(1) the discretion is expressed in the form of a standard of distribution; or

(2) the trustee has abused the discretion.

56 Uniform Trust Code; Cotrustees. RSA 564-B:5-504(e) is repealed and reenacted to read as follows:

(e) A creditor or assignee of a beneficiary may not compel a distribution to the beneficiary solely because the beneficiary is a trustee if the beneficiary-trustee does not have the discretion to make or participate in making distributions to himself or herself, if the beneficiary-trustee's discretion to make or participate in making distributions to himself or herself is limited by an ascertainable standard, or if the beneficiary-trustee's discretion to make or participate in making distributions to himself or herself is exercisable only with the consent of a cotrustee or another person holding an adverse interest. Under such circumstances, the creditor or assignee may compel a distribution only to the extent the creditor or assignee otherwise may compel a distribution were the beneficiary not acting as trustee or cotrustee.

57 New Paragraph; Uniform Trust Code; Cotrustees. Amend RSA 564-B:7-703 by inserting after paragraph (h) the following new paragraph:

(i) A trustee shall keep each cotrustee and any other fiduciary designated by the terms of the trust reasonably informed about the administration of the trust to the extent the trustee has knowledge that the other cotrustee or other fiduciary designated by the terms of the trust does not have of the trustee's actions or regarding other material information (or the availability of such information) related to the administration of the trust that would be reasonably necessary for the cotrustee or other fiduciary designated by the terms of the trust to perform its duties as a trustee or other fiduciary of the trust.

58 Uniform Trust Code; Compensation of Trustee. Amend RSA 564-B:7-708 to read as follows:

564-B:7-708 Compensation of Trustee.

(a) If the terms of a trust do not specify the trustee's, *trust advisor's, or trust protector's* compensation, ~~[a trustee]~~ *each such fiduciary* is entitled to compensation that is reasonable under the circumstances.

(b) If the terms of a trust specify the trustee's, *trust advisor's*, or *trust protector's* compensation, ~~[the trustee]~~ *each such fiduciary* is entitled to be compensated as specified, but the court may allow more or less compensation if:

(1) the duties of the trustee, *trust advisor*, or *trust protector* are substantially different from those contemplated when the trust was created; or

(2) the compensation specified by the terms of the trust would be unreasonably low or high.

59 Uniform Trust Code; Reimbursement of Expenses. Amend RSA 564-B:7-709 to read as follows:

564-B:7-709 Reimbursement of Expenses.

(a) A trustee, *trust advisor*, or *trust protector* is entitled to be reimbursed out of the trust property, with interest as appropriate, for:

(1) expenses that were properly incurred in the administration of the trust; and

(2) to the extent necessary to prevent unjust enrichment of the trust, expenses that were not properly incurred in the administration of the trust.

(b) An advance by the trustee, *trust advisor*, or *trust protector* of money for the protection of the trust gives rise to a lien against trust property to secure reimbursement with reasonable interest.

60 New Sections; Uniform Trust Code; Directed Trusts. Amend RSA 564-B by inserting after section 7-710 the following new sections:

564-B:7-711 Directed Trusts.

(a) If the terms of the trust requires a fiduciary to follow the direction of a trust protector or trust advisor and the fiduciary acts in accordance with such direction, the fiduciary shall be treated as an excluded fiduciary under the provisions of RSA 564-B:12-1206 and RSA 564-B:12-1207.

(b) Any person authorized by the terms of the trust instrument or by court order either to appoint a trust protector or to direct or consent to a fiduciary's actual or proposed decisions other than an investment decision shall be considered to be a trust protector under RSA 564-B:1-103(27).

(c) Any person authorized by the terms of the trust or by court order either to appoint a trust advisor or to direct or consent to a fiduciary's actual or proposed investment decisions shall be considered to be a trust advisor under RSA 564-B:1-103(26).

(d) If a court order requires a fiduciary to follow the direction of a trust protector or trust advisor and the fiduciary acts in accordance with the direction, the fiduciary shall be treated as an excluded fiduciary under the provisions of RSA 564-B:12-1206 and RSA 564-B:12-1207.

564-B:7-712 Vacancy; Directed Trusts.

(a) Except as otherwise provided by the terms of the trust upon obtaining knowledge of a vacancy in the office of trust advisor, the trustee shall be vested with any fiduciary power or duty that otherwise would be vested in the trustee but that by the terms of the trust was vested in the trust advisor, until such time that a trust advisor is appointed pursuant to the terms of the trust or by a court upon the petition of any interested person.

(b) Except as otherwise provided by the terms of the trust, upon obtaining knowledge of a vacancy in the office of trust protector, the trustee shall petition the court to fill the vacancy if the trustee determines that the terms of the trust require the vacancy to be filled.

(c) Notwithstanding the provisions of subsection (a), a trustee shall not be liable for failing to exercise or assume any power or duty held by a trust advisor and conferred upon the trustee by subsection (a) for the 60 day period immediately following the date the trustee obtains knowledge of such vacancy.

61 Uniform Trust Code; Duty of Loyalty. RSA 564-B:8-802(f)-(h) are repealed and reenacted to read as follows:

(f) The following transactions, if fairly priced an in accordance with the interest of the beneficiaries and the purposes of the trusts are not presumed to be affected by a conflict between the trustee's personal and fiduciary interest provided that any investment made pursuant to the transaction otherwise complies with the prudent investor rule of article 9:

(1) an investment by a trustee in securities of an investment company or investment trust to which the trustee, or its affiliate, provides services in a capacity other than as trustee provided that any investment made pursuant to the transaction otherwise complies with the prudent investor rule of Article 9 of RSA 564-B.

(2) the placing of securities transactions by a trustee through a securities broker that is a part of the same company as the trustee, is owned by the trustee, or is affiliated with the trustee;

(3) any loan from the trustee or its affiliate;

(4) an investment in an insurance contract purchased from an insurance agency owned by, or affiliated with, the trustee, or any of its affiliates;

(5) an agreement between a trustee and a beneficiary relating to the appointment or compensation of the trustee, or any of its affiliates;

(6) payment of reasonable compensation to the trustee, or any of its affiliates;

(7) a transaction between a trust and another trust, decedent's estate, guardianship or conservatorship of which the trustee is a fiduciary or in which a beneficiary has an interest;

(8) a deposit of trust money in a financial institution operated by the trustee or an affiliate;

(9) a delegation and any transaction made pursuant to the delegation from a trustee to an agent that is affiliated or associated with the trustee; or

(10) an advance by the trustee of money for the protection of the trust.

(g) If compensation, in addition to the trustee's fees charged to the trust is paid, to the trustee, its affiliate, or associated entity for any transaction or for the provision of services described in subsection (f) the trustee shall at least annually notify the persons that would be entitled under RSA 564-B:8-813 to receive a copy of the trustee's annual report of the rate or method by which the compensation was determined.

(h) In voting shares of stock or in exercising powers of control over similar interests in other forms of enterprise, the trustee shall act in the best interests of the beneficiaries. If the trust is the sole owner of a corporation or other form of enterprise, the trustee shall elect or appoint directors or other managers who will manage the corporation or enterprise in the best interests of the beneficiaries.

(i) The court may appoint a special fiduciary to make a decision with respect to any proposed transaction that might violate this section if entered into by the trustee.

62 Uniform Trust Code; Delegation by Trustee. Amend the introductory paragraph of RSA 564-B:8-807(a) to read as follows:

(a) A trustee may delegate duties, powers and investment and management functions *to any person, even if such person is associated or affiliated with the trustee*, that a prudent trustee of comparable skills could properly delegate under the circumstances. The trustee shall exercise reasonable care, skill, and caution in:

63 Uniform Trust Code; Powers to Direct. Amend RSA 564-B:8-808(c) to read as follows:

(c) The terms of a trust may confer upon a trustee or other person a power to direct the modification or termination of the trust.

64 New Paragraphs; Uniform Trust Code; Duty to Inform and Report. Amend RSA 564-B:8-813 by inserting after paragraph (i) the following new paragraphs:

(j) If the trustee is bound by any written confidentiality restrictions with respect to an asset of a trust, a trustee may require that any beneficiary who is eligible to receive information pursuant to this section about such asset shall agree in writing to be bound by the confidentiality restrictions that bind the trustee before receiving such information from the trustee.

(k) A trust advisor, trust protector, or other fiduciary designated by the terms of the trust shall keep each excluded fiduciary designated by the terms of the trust reasonably informed about (1) the administration of the trust with respect to any specific duty or function being performed by the trust advisor, trust protector, or other fiduciary to the extent that the duty or function would normally be performed by the excluded fiduciary or to the extent that providing such information to the excluded fiduciary is reasonably necessary for the excluded fiduciary to perform its duties and (2) any other material information that the excluded fiduciary would be required to disclose to the qualified beneficiaries under subsection (b) regardless of whether the terms of the trust relieve the excluded fiduciary from providing such information to qualified beneficiaries. Neither the performance nor the failure to perform of a trust advisor, trust protector, or other fiduciary designated by the terms of the trust as provided in this subsection shall affect the limitation on the liability of the excluded fiduciary provided by RSA 564-B:7-716 and RSA 564-B:7-718.

65 Uniform Trust Code; Discretionary Powers; Tax Savings. Amend RSA 564-B:8-814(b)(1) to read as follows:

(1) A person other than a settlor who is a beneficiary and trustee of a trust that confers on the trustee a power to make discretionary distributions to or for the trustee's personal benefit may exercise the power only in accordance with an ascertainable standard ~~[relating to the trustee's individual health, education, support, or maintenance within the meaning of Section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code of 1986, as in effect on the effective date of this chapter, or as later amended];~~ and

66 Uniform Trust Code; Diversification. Amend RSA 564-B:9-901(b) to read as follows:

(b) The prudent investor rule may be expanded, restricted, eliminated, or otherwise altered by the terms of the trust except as provided in RSA 564-B:1-105(b)(2) and (3). A trustee is not liable to a beneficiary to the extent that the trustee acted in reasonable reliance on the provisions of the trust or *court order or determined not to diversify the investments of a trust in good faith in reliance on the express terms of the trust or a court order or pursuant to RSA 564-B:9-903.*

67 New Article; Uniform Trust Code. Amend RSA by inserting after article 11 of RSA 564-B the following new article:

ARTICLE 12

TRUST PROTECTORS AND TRUST ADVISORS

564-B:12-1201 Trust Protector. The powers, duties and discretions of a trust protector shall be expressly set forth in the trust instrument and may, in the best interests of the beneficiaries, be exercised or not exercised in the sole and absolute discretion of the trust protector and shall be binding on all other persons. The powers, duties and discretions may include, without limitation, the following:

(a) To modify or amend the trust instrument to achieve favorable tax status or because of changes in the Internal Revenue Code, state law, or the rulings and regulations implementing such changes.

(b) To amend or modify the trust instrument to take advantage of changes in the rule against perpetuities, laws governing restraints on alienation, or other state laws restricting the terms of the trust, the distribution of trust property, or the administration of the trust.

(c) To appoint a successor trust protector.

(d) To review and approve the accountings of a trustee.

(e) To change the governing law or principal place of administration of the trust.

(f) To remove and replace any trust advisor for the reasons stated in the trust instrument.

(g) To remove a trustee, cotrustee, or successor trustee, for the reasons stated in the trust instrument, and appoint a successor.

(h) To consent to a trustee's or cotrustee's action or inaction in making distributions to beneficiaries if this power is not given exclusively to a trust advisor.

(i) To increase or decrease any interest of the beneficiaries in the trust, to grant a power of appointment to one or more trust beneficiaries, or to terminate or amend any power of appointment granted in the trust; however, a modification, amendment or grant of a power of appointment may not grant a beneficial interest in a charitable trust with only charitable beneficiaries to any non-charitable interest or purpose and may not grant a beneficial interest in any trust to the trust protector, the trust protector's estate, or for the benefit of the creditors of the trust protector.

564-B:12-1202 Trust Protector as a Fiduciary. Trust protectors are fiduciaries and the provisions of this chapter applicable to trustees shall be applicable to trust protectors, but only to the extent of the powers, duties and discretions granted to them under the terms of the trust instrument.

564-B:12-1203 Trust Advisor. The powers, duties and discretions of a trust advisor shall be expressly set forth in the trust instrument and may, in the best interests of the beneficiaries, be exercised or not exercised in the sole and absolute discretion of the trust advisor and shall be binding on all other persons. Such powers, duties and discretions may include, without limitation the following:

(a) To perform a specific duty or function that would normally be required of a trustee or cotrustee.

(b) To advise the trustee or cotrustee concerning any beneficiary.

(c) To consent to a trustee's or cotrustee's action or inaction relating to investments of trust assets.

(d) To direct the acquisition, disposition, or retention of any trust investment.

(e) To consent to a trustee's or cotrustee's action or inaction in making distributions to beneficiaries if this power is not given to a trust protector.

564-B:12-1204 Trust Advisor as a Fiduciary. Trust advisors are fiduciaries and the provisions of this chapter applicable to trustees shall be applicable to the trust advisors but only to the extent of the powers, duties, and discretions granted to them under the terms of the trust instrument.

564-B:12-1205 Trust Advisor and Trust Protector Subject to Court Jurisdiction. By accepting appointment to serve as a trust advisor or trust protector, the trust advisor or the trust protector submits to the jurisdiction of the courts of this state even if investment advisory agreements or other related agreements provide otherwise, and the trust advisor or trust protector may be made a party to any action or proceeding relating to a decision, action, or inaction of the trust advisor or trust protector.

564-B:12-1206 Duty to Review Actions of Trust Advisor or Trust Protector. An excluded fiduciary has no duty to review the actions of a trust protector or trust advisor including, without limitation, any duty or responsibility to perform investment reviews and make recommendations with respect to any investments to the extent the trust advisor or trust protector has the duty to direct the acquisition, disposition, or retention of any such investment.

564-B:12-1207 Fiduciary's Liability for Action or Inaction of Trust Advisor and Trust Protector. An excluded fiduciary is not liable for any loss resulting from any action or inaction of a trust advisor or trust protector or for any loss that results from the failure of a trust advisor or trust protector to take any action proposed by the excluded fiduciary that requires authorization of a trust advisor or trust protector if the excluded fiduciary timely sought but failed to obtain that authorization.

68 New Chapter; Uniform Principal and Income Act. Amend RSA by inserting after chapter 564-B the following new chapter:

CHAPTER 564-C UNIFORM PRINCIPAL AND INCOME ACT

Article 1

Definitions and Fiduciary Duties

564-C:1-101 Short Title. This chapter may be cited as the Uniform Principal and Income Act.

564-C:1-102 Definitions. In this chapter:

(1) "Accounting period" means a calendar year unless another 12-month period is selected by a fiduciary. The term includes a portion of a calendar year or other 12-month period that begins when an income interest begins or ends when an income interest ends.

(2) "Beneficiary" includes, in the case of a decedent's estate, an heir, legatee, and devisee and, in the case of a trust, an income beneficiary and a remainder beneficiary.

(3) "Fiduciary" means a personal representative or a trustee. The term includes an executor, administrator, successor personal representative, special administrator and a person performing substantially the same function.

(4) "Income" means money or property that a fiduciary receives as current return from a principal asset. The term includes a portion of receipts from a sale, exchange, or liquidation of a principal asset, to the extent provided in article 4.

(5) "Income beneficiary" means a person to whom net income of a trust is or may be payable.

(6) "Income interest" means the right of an income beneficiary to receive all or part of net income, whether the terms of the trust require it to be distributed or authorize it to be distributed in the trustee's discretion.

(7) "Mandatory income interest" means the right of an income beneficiary to receive net income that the terms of the trust require the fiduciary to distribute.

(8) "Net income" means the total receipts allocated to income during an accounting period minus the disbursements made from income during the period, plus or minus transfers under this chapter to or from income during the period. During any period in which the trust is being administered as a unitrust, either pursuant to the powers conferred by RSA 564-A:3-c or pursuant to the terms of the will or the trust, "net income" means the unitrust amount, if the unitrust amount is no less than 2 percent and no more than 8 percent of the fair market value of the trust assets whether determined annually or averaged on a multiple year basis.

(9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(10) "Principal" means property held in trust for distribution to a remainder beneficiary when the trust terminates.

(11) "Remainder beneficiary" means a person entitled to receive principal when an income interest ends.

(12) "Terms of a trust" means the manifestation of the intent of a settlor or decedent with respect to the trust, expressed in a manner that admits of its proof in a judicial proceeding, whether by written or spoken words or by conduct.

(13) "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by a court.

(14) "Internal Revenue Code" means the Internal Revenue Code of 1986, as then amended and in effect.

564-C:1-103 Fiduciary Duties; General Principles.

(a) In allocating receipts and disbursements to or between principal and income, and with respect to any matter within the scope of articles 2 and 3, a fiduciary:

(1) shall administer a trust or estate in accordance with the terms of the trust or the will, even if there is a different provision in this chapter;

(2) may administer a trust or estate by the exercise of a discretionary power of administration given to the fiduciary by the terms of the trust or the will, even if the exercise of the power produces a result different from a result required or permitted by this chapter and no inference that the fiduciary has improperly exercised the discretion arises from the fact that the fiduciary has made an allocation contrary to the provisions of this chapter;

(3) shall administer a trust or estate in accordance with this chapter if the terms of the trust or the will do not contain a different provision or do not give the fiduciary a discretionary power of administration; and

(4) shall add a receipt or charge a disbursement to principal to the extent that the terms of the trust and this chapter do not provide a rule for allocating the receipt or disbursement to or between principal and income.

(b) In exercising the power to adjust under RSA 564-C:1-104(a), the power to convert into a unitrust or reconvert or change the unitrust payout percentage pursuant to RSA 564-A:3-c or a discretionary power of administration regarding a matter within the scope of this chapter, whether granted by the terms of a trust, a will, this chapter or other applicable law, a fiduciary shall administer a trust or estate impartially, based on what is fair and reasonable to all of the beneficiaries, except to the extent that the terms of the trust or the will express an intention that the fiduciary shall or may favor one or more of the beneficiaries. The exercise of discretion by a fiduciary in accordance with this chapter is presumed to be fair and reasonable to all of the beneficiaries.

564-C:1-104 Trustee's Power to Adjust.

(a) A trustee may adjust between principal and income to the extent the trustee considers necessary if the trustee invests and manages trust assets as a prudent investor, the terms of the trust describe the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee determines, after applying the rules in RSA 564-C:1-103(a), that the trustee is unable to comply with RSA 564-C:1-103(b).

(b) In deciding whether and to what extent to exercise the power conferred by subsection (a), a trustee may consider factors to the extent they are relevant to the trust and its beneficiaries, including, but not limited to, the following factors:

(1) the nature, purpose, and expected duration of the trust;

(2) the intent of the settlor;

(3) the identity and circumstances of the beneficiaries;

(4) the needs for liquidity, regularity of income, and preservation and appreciation of capital;

(5) the assets held in the trust; the extent to which they consist of financial assets, interests in closely held enterprises, tangible and intangible personal property, or real property; the extent to which an asset is used by a beneficiary; and whether an asset was purchased by the trustee or received from the settlor;

(6) the net amount allocated to income under the other sections of this chapter and the increase or decrease in the value of the principal assets, which the trustee may estimate as to assets for which market values are not readily available;

(7) whether and to what extent the terms of the trust give the trustee the power to invade principal or accumulate income or prohibit the trustee from invading principal or accumulating income, and the extent to which the trustee has exercised a power from time to time to invade principal or accumulate income;

(8) the actual and anticipated effect of economic conditions on principal and income and effects of inflation and deflation;

(9) the anticipated tax consequences of an adjustment; and

(10) the investment return under current economic conditions from other portfolios meeting similar fiduciary requirements.

(c) A trustee may not make an adjustment between principal and income:

(1) that diminishes the income interest in a trust that requires all of the income to be paid at least annually to a spouse and for which an estate tax or gift tax marital deduction would be allowed, in whole or in part, if the trustee did not have the power to make the adjustment;

(2) that reduces the actuarial value of the income interest in a trust to which a person transfers property with the intent to qualify for a gift tax exclusion;

(3) that changes the amount payable to a beneficiary as a fixed annuity or a fixed fraction of the value of the trust assets;

(4) from any amount that is permanently set aside for charitable purposes under a will or the terms of a trust unless both income and principal are so set aside;

(5) if possessing or exercising the power to make an adjustment causes an individual to be treated as the owner of all or part of the trust for income tax purposes, and the individual would not be treated as the owner if the trustee did not possess the power to make an adjustment;

(6) if possessing or exercising the power to make an adjustment causes all or part of the trust assets to be included for estate tax purposes in the estate of an individual who has the power to remove a trustee or appoint a trustee, or both, and the assets would not be included in the estate of the individual if the trustee did not possess the power to make an adjustment;

(7) if the trustee is a beneficiary of the trust; or

(8) if the trust is being administered as a unitrust pursuant to the trustee's exercise of the power to convert to a unitrust provided in RSA 564-A:3-c or pursuant to the terms of the will or the terms of the trust.

(d) If subsection (c)(5), (6), or (7) applies to a trustee and there is more than one trustee, the other cotrustee (if there is only one) or a majority of the other cotrustees (if there is more than one) to whom the provision does not apply may make the adjustment unless the exercise of the power by the remaining trustee or trustees is not permitted by the terms of the trust.

(e) A trustee may release the entire power conferred by subsection (a) or may release only the power to adjust from income to principal or the power to adjust from principal to income if the trustee is uncertain about whether possessing or exercising the power will cause a result described in subsection (c)(1) through (6) or if the trustee determines that possessing or exercising the power will or may deprive the trust of a tax benefit or impose a tax burden not described in subsection (c). The release may be permanent or for a specified period, including a period measured by the life of an individual.

(f) Terms of a trust that limit the power of a trustee to make an adjustment between principal and income do not affect the application of this section unless it is clear from the terms of the trust that the terms are intended to deny the trustee the power of adjustment conferred by subsection (a).

(g) Nothing in this section or chapter is intended to create or imply a duty to make an adjustment, and a fiduciary is not liable for not considering whether to make an adjustment or for choosing not to make an adjustment.

(h) A trustee may give notice of a proposed action regarding a matter governed by this section as provided in this subsection. For purposes of this subsection, a proposed action includes a course of action and a determination not to take action. For purposes of this subsection, the representation rules of Article III of RSA 564-B shall apply.

(1) The trustee shall mail notice of the proposed action to all qualified beneficiaries (as defined in RSA 564-B:1-103(12)) who are adults and to those persons who have the rights of a qualified beneficiary with respect to the trust under RSA 564-B:1-110. Notice may be given to any other beneficiary. Notice of the proposed action need not be given to any person who consents in writing to the proposed action. The consent may be executed at any time before or after the proposed action is taken.

(2) The notice of proposed action must state that it is given pursuant to this paragraph and must contain the following:

(A) the name and mailing address of the trustee;

(B) the name and telephone number of a person who may be contacted for additional information;

(C) a description of the action proposed to be taken and an explanation of the reasons for the action;

(D) the time within which objections to the proposed action can be made, which must be at least 30 days from the mailing of the notice of proposed action;

(E) the date on or after which the proposed action may be taken or is effective;

(F) a statement that the beneficiary or person who has the rights of the beneficiary may petition for a judicial determination of the proposed action; and

(G) a form on which consent or objection to the proposed action may be indicated.

(3) A beneficiary or a person who has the rights of a qualified beneficiary may object to the proposed action by mailing a written objection to the trustee at the address stated in the notice of proposed action within the time period specified in the notice of proposed action.

(4) If a trustee does not receive a written objection to the proposed action from the beneficiary within the applicable period, the trustee is not liable for the action to a beneficiary if:

(A) notice is mailed to the beneficiary, or a person who may represent and bind the beneficiary under the provisions of Article 3 of RSA 564-B or the person who has the rights of a qualified beneficiary at the address determined by the trustee after reasonable diligence;

(B) the beneficiary receives actual notice; or a person who may represent and bind the beneficiary under the provisions of Article 3 of RSA 564-B or the person who has the rights of a qualified beneficiary

(C) the beneficiary or a person who may represent and bind the beneficiary under the provisions of Article 3 of RSA 564-B or the person who has the rights of a qualified beneficiary to the proposed action either before or after the action is taken; or

(5) If the trustee receives a written objection within the applicable time period, either the trustee, a beneficiary or a person who has the rights of a qualified beneficiary may petition the court to have the proposed action performed as proposed, performed with modifications, or denied. In the proceeding, a beneficiary objecting to the proposed action or a person who has the rights of a qualified beneficiary objecting to the proposed action has the burden of proof as to whether the trustee's proposed action should not be performed. A beneficiary who has not objected or a person who has the rights of a qualified beneficiary who has not objected is not estopped from opposing the proposed action in the proceeding. If the trustee decides not to implement the proposed action, the trustee shall notify the qualified beneficiaries of the trust who are adults and those persons who have the rights of a qualified beneficiary of the decision not to take the action and the reasons for the decision, and the trustee's decision not to implement the proposed action does not itself give rise to liability to any current or future beneficiary. A beneficiary or a person who has the rights of a qualified beneficiary may petition the court to have the action performed and has the burden of proof as to whether it should be performed.

(6) Nothing in this subsection limits the right of a trustee or beneficiary to petition the court pursuant to RSA 564-C:1-105 for instructions as to any action, failure to act, or determination not to act regarding a matter governed by this section in the absence of notice as provided in this subsection. In any such proceeding, any beneficiary filing such a petition or objecting to a petition of the trustee has the burden of proof as to any action taken, any failure to act, or determination not to act, by the trustee.

(i) Following the exercise of the power conferred by subsection (a) to adjust from principal to income, the trustee shall consider in the following order:

(1) the amount so adjusted as paid from ordinary income for federal income tax purposes to the extent not allocable to net accounting income;

(2) the amount so adjusted, after calculating the trust's capital gain net income described in section 1222(9) of the Internal Revenue Code, as paid from net short-term capital gain described in section 1222(5) of the Internal Revenue Code, and then from net long-term capital gain described in section 1222(7) of the Internal Revenue Code; and

(3) any remaining amount so adjusted as coming from the principal of the trust.

564-C:1-105 Judicial Control of Discretionary Power.

(a) The court may not order a fiduciary to change a decision to exercise or not to exercise a discretionary power conferred by this chapter unless it determines that the decision was an abuse of the fiduciary's discretion. A fiduciary's decision is not an abuse of discretion merely because the court would have exercised the power in a different manner or would not have exercised the power.

(b) The decisions to which subsection (a) applies include:

(1) a decision under RSA 564-C:1-104(a) as to whether and to what extent an amount should be transferred from principal to income or from income to principal.

(2) A decision regarding the factors that are relevant to the trust and its beneficiaries, the extent to which the factors are relevant, and the weight, if any, to be given to those factors, in deciding whether and to what extent to exercise the discretionary power conferred by RSA 564-C:1-104(a).

(c) If the court determines that a fiduciary has abused the fiduciary's discretion, the court may place the income and remainder beneficiaries in the positions they would have occupied if the discretion had not been abused as equity requires, according to the following guidelines:

(1) to the extent that the abuse of discretion has resulted in no distribution to a beneficiary or in a distribution that is too small, the court may order the fiduciary to distribute from the trust to the beneficiary an amount that the court determines will restore the beneficiary, in whole or in part, to the beneficiary's appropriate position.

(2) to the extent that the abuse of discretion has resulted in a distribution to a beneficiary which is too large, the court may place the beneficiaries, the trust, or both, in whole or in part, in their appropriate positions by ordering the fiduciary to withhold an amount from one or more future distributions to the beneficiary who received the distribution that was too large or ordering that beneficiary to return some or all of the distribution to the trust.

(3) to the extent that the court is unable, after applying subsection (c)(1) and (2), to place the beneficiaries, the trust, or both, in the positions they would have occupied if the discretion had not been abused, the court may order the fiduciary to pay an appropriate amount from its own funds to one or more of the beneficiaries or the trust or both.

(d) A fiduciary may petition the court having jurisdiction over a trust or estate for a determination by the court whether a proposed exercise or nonexercise of a discretionary power conferred by this chapter will result in an abuse of discretion. If the petition describes the proposed exercise or nonexercise of the power and contains sufficient information to inform the beneficiaries of the reasons for the proposal, the facts upon which the fiduciary relies, and an explanation of how the income and remainder beneficiaries will be affected by the proposed exercise or nonexercise of the power, a beneficiary who challenges the proposed exercise or nonexercise has the burden of establishing that it will result in an abuse of discretion.

(e) A fiduciary shall be reimbursed for any and all costs, including without limitation all attorneys' fees and costs of defense, and all liabilities that the fiduciary may incur in connection with any claim or action relating in any way to the fiduciary's exercise of its discretion under this chapter, except to the extent that the beneficiary establishes that the fiduciary did not exercise its discretion in good faith and with honest judgment. All attorneys' fees and costs shall be advanced to the fiduciary as incurred and shall only be collected from the fiduciary after it has been determined that the fiduciary did not exercise its discretion in good faith and with honest judgment.

Article 2

Decedent's Estate or Terminating Income Interest

564-C:2-201 Determination and Distribution of Net Income. After a decedent dies, in the case of an estate, or after an income interest in a trust ends, the following rules apply:

(1) A fiduciary of an estate or of a terminating income interest shall determine the amount of net income and net principal receipts received from property specifically given to a beneficiary under the rules in articles 3 through 5 which apply to trustees and the rules in subsection (5). The fiduciary shall distribute the net income and net principal receipts to the beneficiary who is to receive the specific property.

(2) A fiduciary shall determine the remaining net income of a decedent's estate or a terminating income interest under the rules in articles 3 through 5 which apply to trustees and by:

(A) including in net income all income from property used to discharge liabilities;

(B) paying from income or principal, in the fiduciary's discretion, fees of attorneys, accountants, and fiduciaries; court costs and other expenses of administration; and interest on death taxes, but the fiduciary may pay those expenses from income of property passing to a trust for which the fiduciary claims an estate tax marital or charitable deduction only to the extent that the payment of those expenses from income will not cause the reduction or loss of the deduction; and

(C) paying from principal all other disbursements made or incurred in connection with the settlement of a decedent's estate or the winding up of a terminating income interest, including debts, funeral expenses, disposition of remains, family allowances, and death taxes and related penalties that are apportioned to the estate or terminating income interest by the will, the terms of the trust, or applicable law.

(3) A fiduciary shall distribute to a beneficiary who receives a pecuniary amount outright the interest or any other amount provided by the will or the terms of the trust from net income determined under subsection (2) or from principal to the extent that net income is insufficient. If a beneficiary is to receive a pecuniary amount outright and no interest or other amount is pro-

vided for by the will or by the terms of the trust then, if the pecuniary amount is not distributed to the beneficiary within one year of the date of death of the testator or the date the income interest ends, the fiduciary shall distribute to the beneficiary interest at the rate prescribed in RSA 336:1, II.

(4) A fiduciary shall distribute the net income remaining after distributions required by subsection (3) in the manner described in RSA 564-C:2-202 to all other beneficiaries, including a beneficiary who receives a pecuniary amount in trust, even if the beneficiary holds an unqualified power to withdraw assets from the trust or other presently exercisable general power of appointment over the trust.

(5) A fiduciary may not reduce principal or income receipts from property described in subsection (1) because of a payment described in RSA 564-C:5-501 or RSA 564-C:5-502 to the extent that the will, the terms of the trust, or applicable law requires the fiduciary to make the payment from assets other than the property or to the extent that the fiduciary recovers or expects to recover the payment from a third party. The net income and principal receipts from the property are determined by including all of the amounts the fiduciary receives or pays with respect to the property, whether those amounts accrued or became due before, on, or after the date of a decedent's death or an income interest's terminating event, and by making a reasonable provision for amounts that the fiduciary believes the estate or terminating income interest may become obligated to pay after the property is distributed.

564-C:2-202 Distribution to Residuary and Remainder Beneficiaries.

(a) Each beneficiary described in RSA 564-C:2-201(4) is entitled to receive a portion of the net income equal to the beneficiary's fractional interest in undistributed principal assets, using values as of the distribution date. If a fiduciary makes more than one distribution of assets to beneficiaries to whom this section applies, each beneficiary, including one who does not receive part of the distribution, is entitled, as of each distribution date, to the net income the fiduciary has received after the date of death or terminating event or earlier distribution date but has not distributed as of the current distribution date.

(b) In determining a beneficiary's share of net income, the following rules apply:

(1) The beneficiary is entitled to receive a portion of the net income equal to the beneficiary's fractional interest in the undistributed principal assets immediately before the distribution date, including assets that later may be sold to meet principal obligations.

(2) The beneficiary's fractional interest in the undistributed principal assets must be calculated without regard to property specifically given to a beneficiary and property required to pay pecuniary amounts not in trust.

(3) The beneficiary's fractional interest in the undistributed principal assets must be calculated on the basis of the aggregate value of those assets as of the distribution date without reducing the value by any unpaid principal obligation.

(4) The distribution date for purposes of this section may be the date as of which the fiduciary calculates the value of the assets if that date is reasonably near the date on which assets are actually distributed.

(c) If a fiduciary does not distribute all of the collected but undistributed net income to each beneficiary as of a distribution date, the fiduciary shall maintain appropriate records showing the interest of each beneficiary in that net income.

(d) A fiduciary may apply the rules in this section, to the extent that the fiduciary considers it appropriate, to net gain or loss realized after the date of death or terminating event or earlier distribution date from the disposition of a principal asset if this section applies to the income from the asset.

Article 3

Apportionment at Beginning and End Of Income Interest

564-C:3-301 When Right to Income Begins and Ends.

(a) An income beneficiary is entitled to net income from the date on which the income interest begins. An income interest begins on the date specified in the terms of the trust or, if no date is specified, on the date an asset becomes subject to a trust or successive income interest.

(b) An asset becomes subject to a trust:

(1) on the date it is transferred to the trust in the case of an asset that is transferred to a trust during the transferor's life;

(2) on the date of a testator's death in the case of an asset that becomes subject to a trust by reason of a will, even if there is an intervening period of administration of the testator's estate; or

(3) on the date of an individual's death in the case of an asset that is transferred to a fiduciary by a third party because of the individual's death.

(c) An asset becomes subject to a successive income interest on the day after the preceding income interest ends, as determined under subsection (d), even if there is an intervening period of administration to wind up the preceding income interest.

(d) An income interest ends on the day before an income beneficiary dies or another terminating event occurs, or on the last day of a period during which there is no beneficiary to whom a trustee may distribute income.

564-C:3-302 Apportionment of Receipts and Disbursements when Decedent Dies or Income Interest Begins.

(a) A trustee shall allocate an income receipt or disbursement other than one to which RSA 564-C:2-201(1) applies to principal if its due date occurs before a decedent dies in the case of an estate or before an income interest begins in the case of a trust or successive income interest.

(b) A trustee shall allocate an income receipt or disbursement to income if its due date occurs on or after the date on which a decedent dies or an income interest begins and it is a periodic due date. An income receipt or disbursement must be treated as accruing from day to day if its due date is not periodic or it has no due date. The portion of the receipt or disbursement accruing before the date on which a decedent dies or an income interest begins must be allocated to principal and the balance must be allocated to income.

(c) An item of income or an obligation is due on the date the payer is required to make a payment. If a payment date is not stated, there is no due date for the purposes of this chapter. Distributions to shareholders or other owners from an entity to which RSA 564-C:4-401 applies are deemed to be due on the date fixed by the entity for determining who is entitled to receive the distribution or, if no date is fixed, on the declaration date for the distribution. A due date is periodic for receipts or disbursements that must be paid at regular intervals under a lease or an obligation to pay interest or if an entity customarily makes distributions at regular intervals.

564-C:3-303 Apportionment when Income Interest Ends.

(a) In this section, "undistributed income" means net income received before the date on which an income interest ends. The term does not include an item of income or expense that is due or accrued or net income that has been added or is required to be added to principal under the terms of the trust.

(b) Except as provided in subsection (c), when a mandatory income interest ends, the trustee shall pay to a mandatory income beneficiary who survives that date, or the estate of a deceased mandatory income beneficiary whose death causes the interest to end, the beneficiary's share of the undistributed income that is not disposed of under the terms of the trust.

(c) If immediately before the income interest ends the beneficiary described in subsection (b) has an unqualified power to revoke more than 5 percent of the trust, the undistributed income from the portion of the trust that may be revoked must be added to principal.

(d) When a trustee's obligation to pay a fixed annuity or a fixed fraction of the value of the trust's assets ends, the trustee shall prorate the final payment if and to the extent required by applicable law to accomplish a purpose of the trust or its settlor relating to income, gift, estate, or other tax requirements.

Article 4

Allocation of Receipts During Administration of Trust

Part 1

Receipts from Entities

564-C:4-401 Character of Receipts.

(a) In this section, "entity" means a corporation, partnership, limited liability company, regulated investment company, real estate investment trust, common trust fund, or any other organization in which a trustee has an interest other than a trust or estate to which RSA 564-C:4-402 applies, a business or activity to which RSA 564-C:4-403 applies, or an asset-backed security to which RSA 564-C:4-415 applies.

(b) Except as otherwise provided in this section, a trustee shall allocate to income money received from an entity.

(c) A trustee shall allocate the following receipts from an entity to principal:

(1) property other than money;

- (2) money received in one distribution or a series of related distributions in exchange for part or all of a trust's interest in the entity;
- (3) money received in total or partial liquidation of the entity; and
- (4) money received from an entity that is a regulated investment company or a real estate investment trust if the money distributed is a capital gain dividend for federal income tax purposes.

(d) For purposes of subsection (c)(3):

(1) money is received in partial liquidation:

(A) to the extent that the entity, at or near the time of a distribution, indicates that it is a distribution in partial liquidation; or

(B) if the total amount of money and property received in a distribution or series of related distributions is greater than 20 percent of the entity's gross assets, as shown by the entity's year end financial statements immediately preceding the initial receipt.

(2) money is not received in partial liquidation, nor may it be taken into account under subsection (d)(1)(B), to the extent that it does not exceed the amount of income tax that a trustee or beneficiary must pay on taxable income of the entity that distributes the money.

(e) A trustee may rely upon a statement made by an entity about the source or character of a distribution if the statement is made by the entity's board of directors or other person or group of persons authorized to exercise powers to pay money or transfer property comparable to those of a corporation's board of directors.

564-C:4-402 Distribution from Trust or Estate. A trustee shall allocate to income an amount received as a distribution of income from a trust or an estate in which the trust has an interest other than a purchased interest, and shall allocate to principal an amount received as a distribution of principal from such a trust or estate. If a trustee purchases an interest in a trust that is an investment entity, or a decedent or donor transfers an interest in such a trust to a trustee, RSA 564-C:4-401 or RSA 564-C:4-415 applies to a receipt from the trust.

564-C:4-403 Business and Other Activities Conducted by Trustee.

(a) If a trustee who conducts a business or other activity determines that it is in the best interest of all the beneficiaries to account separately for the business or activity instead of accounting for it as part of the trust's general accounting records, the trustee may maintain separate accounting records for its transactions, whether or not its assets are segregated from other trust assets.

(b) A trustee who accounts separately for a business or other activity may determine the extent to which its net cash receipts must be retained for working capital, the acquisition or replacement of fixed assets, and other reasonably foreseeable needs of the business or activity, and the extent to which the remaining net cash receipts are accounted for as principal or income in the trust's general accounting records. If a trustee sells assets of the business or other activity, other than in the ordinary course of the business or activity, the trustee shall account for the net amount received as principal in the trust's general accounting records to the extent the trustee determines that the amount received is no longer required in the conduct of the business.

(c) Activities for which a trustee may maintain separate accounting records include:

- (1) retail, manufacturing, service, and other traditional business activities;
- (2) farming;
- (3) raising and selling livestock and other animals;
- (4) management of rental properties;
- (5) extraction of minerals and other natural resources;
- (6) timber operations; and
- (7) activities to which RSA 564-C:4-414 applies.

Part 2

Receipts not Normally Apportioned

564-C:4-404 Principal Receipts. A trustee shall allocate to principal:

(1) To the extent not allocated to income under this chapter, assets received from a transferor during the transferor's lifetime, a decedent's estate, a trust with a terminating income interest, or a payer under a contract naming the trust or its trustee as beneficiary;

(2) Subject to any contrary rules set forth in articles 4 or 5 of this chapter, money or other property received from the sale, exchange, liquidation, or change in form of a principal asset, including realized profit, subject to this article;

(3) Amounts recovered from third parties to reimburse the trust because of disbursements described in RSA 564-C:5-502(a)(7) or for other reasons to the extent not based on the loss of income;

(4) Proceeds of property taken by eminent domain, but a separate award made for the loss of income with respect to an accounting period during which a current income beneficiary had a mandatory income interest is income;

(5) Net income received in an accounting period during which there is no beneficiary to whom a trustee may or must distribute income; and

(6) Other receipts as provided in part 3.

564-C:4-405 Rental Property. To the extent that a trustee accounts for receipts from rental property pursuant to this section and not as provided in RSA 564-C:4-403, the trustee shall allocate to income an amount received as rent of real or personal property, including an amount received for cancellation or renewal of a lease. An amount received as a refundable deposit, including a security deposit or a deposit that is to be applied as rent for future periods, must be added to principal and held subject to the terms of the lease and is not available for distribution to a beneficiary until the trustee's contractual obligations have been satisfied with respect to that amount.

564-C:4-406 Obligation to Pay Money.

(a) An amount received as interest, whether determined at a fixed, variable, or floating rate, on an obligation to pay money to the trustee, including an amount received as consideration for prepaying principal, must be allocated to income without any provision for amortization of premium.

(b) An amount received from the sale, redemption, or other disposition of an obligation to pay money to the trustee more than one year after it is purchased or acquired by the trustee, including an obligation whose purchase price or value when it is acquired is less than its value at maturity, must be allocated to principal. If the obligation matures within one year after it is purchased or acquired by the trustee, an amount received in excess of its purchase price or its value when acquired by the trust must be allocated to income.

(c) This section does not apply to an obligation to which RSA 564-C:4-409, 410, 411, 412, 414, or 415 applies.

564-C:4-407 Insurance Policies and Similar Contracts.

(a) Except as otherwise provided in subsection (b), a trustee shall allocate to principal the proceeds of a life insurance policy or other contract in which the trust or its trustee is named as beneficiary, including a contract that insures the trust or its trustee against loss for damage to, destruction of, or loss of title to a trust asset. The trustee shall allocate dividends on an insurance policy to income if the premiums on the policy are paid from income, and to principal if the premiums are paid from principal.

(b) A trustee shall allocate to income proceeds of a contract that insures the trustee against loss of occupancy or other use by an income beneficiary, loss of income, or, subject to RSA 564-C:4-403, loss of profits from a business.

(c) This section does not apply to a contract to which RSA 564-C:4-409 applies.

Part 3

Receipts Normally Apportioned

564-C:4-408 Insubstantial Allocations Not Required.

(a) If a trustee determines that an allocation between principal and income required by RSA 564-C:4-409, 410, 411, 412, or 415 is insubstantial, the trustee may allocate the entire amount to principal unless one of the circumstances described in RSA 564-C:1-104(c) applies to the allocation. This power may be exercised by a cotrustee in the circumstances described in RSA 564-C:1-104(d) and may be released for the reasons and in the manner described in RSA 564-C:1-104(e).

(b) An allocation is presumed to be insubstantial if:

(1) the amount of the allocation would increase or decrease net income in an accounting period, as determined before the allocation, by less than 10 percent; or

(2) the value of the asset producing the receipt for which the allocation would be made is less than 10 percent of the total value of the trust's assets at the beginning of the accounting period.

(c) Nothing in this section imposes a duty on the trustee to make an allocation under this section, and the trustee is not liable for failing to make an allocation under this section regardless of whether or not the trustee has made allocations under this section in the past.

564-C:4-409 Deferred Compensation, Annuities, and Similar Payments.

(a) In this section, "payment" means a payment that a trustee may receive over a fixed number of years or during the life of one or more individuals because of services rendered or property transferred to the payer in exchange for future payments. The term includes a payment

made in money or property from the payer's general assets or from a separate fund created by the payer, including a private or commercial annuity, an individual retirement account, and a pension, profit-sharing, stock-bonus, or stock-ownership plan.

(b) To the extent that a payment is characterized as interest or a dividend or a payment made in lieu of interest or a dividend, a trustee shall allocate it to income. The trustee shall allocate to principal the balance of the payment and any other payment received in the same accounting period that is not characterized as interest, a dividend, or an equivalent payment.

(c) If no part of a payment is characterized as interest, a dividend, or an equivalent payment, and all or part of the payment is required to be made, a trustee shall allocate to income 10 percent of the part that is required to be made during the accounting period and the balance to principal. If no part of a payment is required to be made or the payment received is the entire amount to which the trustee is entitled, the trustee shall allocate the entire payment to principal. For purposes of this subsection, a payment is not "required to be made" to the extent that it is made because the trustee exercises a right of withdrawal.

(d) If, to obtain an estate tax marital deduction for a trust, a trustee must allocate more of a payment to income than provided for by this section, the trustee shall allocate to income the additional amount necessary to obtain the marital deduction.

(e) This section does not apply to payments to which RSA 564-C:4-410 applies.

564-C:4-410 Liquidating Asset.

(a) In this section, "liquidating asset" means an asset whose value will diminish or terminate because the asset is expected to produce receipts for a period of limited duration. The term includes a leasehold, patent, copyright, royalty right, and right to receive payments under an arrangement that does not provide for the payment of interest on the unpaid balance. The term does not include a payment subject to RSA 564-C:4-409, resources subject to RSA 564-C:4-411, timber subject to RSA 564-C:4-412, an activity subject to RSA 564-C:4-414, an asset subject to RSA 564-C:4-415, or any asset for which the trustee establishes a reserve for depreciation under RSA 564-C:5-503.

(b) A trustee shall allocate to income 10 percent of the receipts from a liquidating asset and the balance to principal.

564-C:4-411 Minerals, Water, and Other Natural Resources.

(a) To the extent that a trustee accounts for receipts from an interest in minerals or other natural resources pursuant to this section, the trustee shall allocate them as follows:

(1) if received as a nominal bonus, nominal delay rental or nominal annual rent on a lease, a receipt must be allocated to income.

(2) if received from a production payment, a receipt must be allocated to income if and to the extent that the agreement creating the production payment provides a factor for interest or its equivalent. The balance must be allocated to principal.

(3) if an amount received as a royalty, shut-in-well payment, take-or-pay payment, bonus, or delay rental is more than nominal, 90 percent must be allocated to principal and the balance to income.

(4) if an amount is received from a working interest or any other interest not provided for in subsection (1), (2), or (3), 90 percent of the net amount received must be allocated to principal and the balance to income.

(b) An amount received on account of an interest in water that is renewable must be allocated to income. If the water is not renewable, 90 percent of the amount must be allocated to principal and the balance to income.

(c) This chapter applies whether or not a decedent or donor was extracting minerals, water, or other natural resources before the interest became subject to the trust.

(d) If a trust owns an interest in minerals, water, or other natural resources on the effective date of this chapter, the trustee may allocate receipts from the interest as provided in this chapter or in the manner used by the trustee before the effective date of this chapter. If the trust acquires an interest in minerals, water, or other natural resources after the effective date of this chapter, the trustee shall allocate receipts from the interest as provided in this chapter.

564-C:4-412 Timber.

(a) To the extent that a trustee accounts for receipts from the sale of timber and related products pursuant to this section, the trustee shall allocate the net receipts:

(1) to income to the extent that the amount of timber removed from the land does not exceed the rate of growth of the timber during the accounting periods in which a beneficiary has a mandatory income interest;

(2) to principal to the extent that the amount of timber removed from the land exceeds the rate of growth of the timber or the net receipts are from the sale of standing timber;

(3) to or between income and principal if the net receipts are from the lease of timberland or from a contract to cut timber from land owned by a trust, by determining the amount of timber removed from the land under the lease or contract and applying the rules in subsections (a)(1) and (2); or

(4) to principal to the extent that advance payments, bonuses, and other payments are not allocated pursuant to subsections (a)(1), (2), or (3).

(b) In determining net receipts to be allocated pursuant to subsection (a), a trustee shall deduct and transfer to principal a reasonable amount for depletion.

(c) This chapter applies whether or not a decedent or transferor was harvesting timber from the property before it became subject to the trust.

(d) If a trust owns an interest in timber land on the effective date of this chapter, the trustee may allocate net receipts from the sale of timber and related products as provided in this chapter or in the manner used by the trustee before the effective date of this chapter. If the trust acquires an interest in timber land after the effective date of this chapter, the trustee shall allocate net receipts from the sale of timber and related products as provided in this chapter.

564-C:4-413 Property Not Productive of Income.

(a) If a marital deduction is allowed for all or part of a trust whose assets consist substantially of property that does not provide the spouse with sufficient income from or use of the trust assets, and if the amounts that the trustee transfers from principal to income under RSA 564-C:1-104 and distributes to the spouse from principal pursuant to the terms of the trust are insufficient to provide the spouse with the beneficial enjoyment required to obtain the marital deduction, the spouse may require the trustee within a reasonable time from being notified by the spouse to make property productive of income, convert property within a reasonable time or exercise the power conferred by RSA 564-C:1-104(a). The trustee may decide which action or combination of actions set forth above to take without regard to the specific action or actions requested by the spouse, if any.

(b) In cases not governed by subsection (a), proceeds from the sale or other disposition of an asset are principal without regard to the amount of income the asset produces during any accounting period.

564-C:4-414 Derivatives and Options.

(a) In this section, "derivative" means a contract or financial instrument or a combination of contracts and financial instruments which gives a trust the right or obligation to participate in some or all changes in the price of a tangible or intangible asset or group of assets, or changes in a rate, an index of prices or rates, or other market indicator for an asset or a group of assets.

(b) To the extent that a trustee does not account under RSA 564-C:4-403 for transactions in derivatives, the trustee shall allocate to principal receipts from and disbursements made in connection with those transactions.

(c) If a trustee grants an option to buy property from the trust, whether or not the trust owns the property when the option is granted, grants an option that permits another person to sell property to the trust, or acquires an option to buy property for the trust or an option to sell an asset owned by the trust, and the trustee or other owner of the asset is required to deliver the asset if the option is exercised, an amount received for granting the option must be allocated to principal. An amount paid to acquire the option must be paid from principal. A gain or loss realized upon the exercise of an option, including an option granted to a settlor of the trust for services rendered, must be allocated to principal.

564-C:4-415 Asset-Backed Securities.

(a) In this section, "asset-backed security" means an asset whose value is based upon the right it gives the owner to receive distributions from the proceeds of financial assets that provide collateral for the security. The term includes an asset that gives the owner the right to receive from the collateral financial assets only the interest or other current return or only the proceeds other than interest or current return. The term does not include an asset to which RSA 564-C:4-401 or RSA 564 C:4-409 applies.

(b) If a trust receives a payment from interest or other current return and from other proceeds of the collateral financial assets, the trustee shall allocate to income the portion of the payment which the payer identifies as being from interest or other current return and shall allocate the balance of the payment to principal.

(c) If a trust receives one or more payments in exchange for the trust's entire interest in an asset-backed security in one accounting period, the trustee shall allocate the payments to princi-

pal. If a payment is one of a series of payments that will result in the liquidation of the trust's interest in the security over more than one accounting period, the trustee shall allocate 10 percent of the payment to income and the balance to principal.

Article 5

Allocation of Disbursements During Administration of Trust

564-C:5-501 Disbursements from Income. A trustee shall make the following disbursements from income to the extent that they are not disbursements to which RSA 564-C:2-201(2)(B) or (C) applies:

(a) So much of the compensation of the trustee and of any person providing investment advisory or custodial services to the trustee, and expenses for accounting, judicial proceedings, or other matters that involve the income and remainder interests as shall be determined by the trustee."

(b) All of the other ordinary expenses incurred in connection with the administration, management, or preservation of trust property and the distribution of income, including interest, ordinary repairs, regularly recurring taxes assessed against principal, and expenses of a proceeding or other matter that concerns primarily the income interest; and

(c) Recurring premiums on insurance covering the loss of a principal asset or the loss of income from or use of the asset.

564-C:5-502 Disbursements from Principal.

(a) A trustee shall make the following disbursements from principal:

(1) the remaining 1/2 of the disbursements described in RSA 564-C:5-501(1) and (2) except as otherwise ordered by court;

(2) all of the trustee's compensation calculated on principal as a fee for acceptance, distribution, or termination, and disbursements made to prepare property for sale;

(3) payments on the principal of a trust debt;

(4) expenses of a proceeding that concerns primarily principal, including a proceeding to construe the trust or to protect the trust or its property;

(5) premiums paid on a policy of insurance not described in RSA 564-C:5-501(4) of which the trust is the owner and beneficiary;

(6) estate, inheritance, and other transfer taxes, including penalties, apportioned to the trust; and

(7) disbursements related to environmental matters, including reclamation, assessing environmental conditions, remedying and removing environmental contamination, monitoring remedial activities and the release of substances, preventing future releases of substances, collecting amounts from persons liable or potentially liable for the costs of those activities, penalties imposed under environmental laws or regulations and other payments made to comply with those laws or regulations, statutory or common law claims by third parties, and defending claims based on environmental matters.

(b) If a principal asset is encumbered with an obligation that requires income from that asset to be paid directly to the creditor, the trustee shall transfer from principal to income an amount equal to the income paid to the creditor in reduction of the principal balance of the obligation.

564-C:5-503 Transfers from Income to Principal for Depreciation.

(a) In this section, "depreciation" means a reduction in value due to wear, tear, decay, corrosion, or gradual obsolescence of a fixed asset having a useful life of more than one year.

(b) A trustee may transfer to principal a reasonable amount of the net cash receipts from a principal asset that is subject to depreciation, but may not transfer any amount for depreciation:

(1) of that portion of real property used or available for use by a beneficiary as a residence or of tangible personal property held or made available for the personal use or enjoyment of a beneficiary;

(2) during the administration of a decedent's estate; or

(3) under this section if the trustee is accounting under RSA 564-C:4-403 for the business or activity in which the asset is used.

(c) An amount transferred to principal need not be held as a separate fund.

564-C:5-504 Transfers from Income to Reimburse Principal.

(a) If a trustee makes or expects to make a principal disbursement described in this section, the trustee may transfer an appropriate amount from income to principal in one or more accounting periods to reimburse principal or to provide a reserve for future principal disbursements.

(b) Principal disbursements to which subsection (a) applies include the following, but only to the extent that the trustee has not been and does not expect to be reimbursed by a third party:

(1) an amount chargeable to income but paid from principal because it is unusually large, including extraordinary repairs;

(2) a capital improvement to a principal asset, whether in the form of changes to an existing asset or the construction of a new asset, including special assessments;

(3) disbursements made to prepare property for rental, including tenant allowances, leasehold improvements, and broker's commissions;

(4) periodic payments on an obligation secured by a principal asset to the extent that the amount transferred from income to principal for depreciation is less than the periodic payments; and

(5) disbursements described in RSA 564-C:5-502(a)(7).

(c) If the asset whose ownership gives rise to the disbursements becomes subject to a successive income interest after an income interest ends, a trustee may continue to transfer amounts from income to principal as provided in subsection (a).

564-C:5-505 Income Taxes.

(a) A tax required to be paid by a trustee based on receipts allocated to income must be paid from income.

(b) A tax required to be paid by a trustee based on receipts allocated to principal must be paid from principal, even if the tax is called an income tax by the taxing authority.

(c) A tax required to be paid by a trustee on the trust's share of an entity's taxable income must be paid proportionately:

(1) from income to the extent that receipts from the entity are allocated to income; and

(2) from principal to the extent that:

(A) receipts from the entity are allocated to principal; and

(B) the trust's share of the entity's taxable income exceeds the total receipts described in subsections (c)(1) and (2)(A).

(d) For purposes of this section, receipts allocated to principal or income must be reduced by the amount distributed to a beneficiary from principal or income for which the trust receives a deduction in calculating the tax.

564-C:5-506 Adjustments between Principal and Income Because of Taxes.

(a) A fiduciary may make adjustments between principal and income to offset the shifting of economic interests or tax benefits between income beneficiaries and remainder beneficiaries which arise from:

(1) elections and decisions, other than those described in subsection (b), that the fiduciary makes from time to time regarding tax matters;

(2) an income tax or any other tax that is imposed upon the fiduciary or a beneficiary as a result of a transaction involving or a distribution from the estate or trust; or

(3) the ownership by an estate or trust of an interest in an entity whose taxable income, whether or not distributed, is includable in the taxable income of the estate, trust, or a beneficiary.

(b) If the amount of an estate tax marital deduction or charitable contribution deduction is reduced because a fiduciary deducts an amount paid from principal for income tax purposes instead of deducting it for estate tax purposes, and as a result estate taxes paid from principal are increased and income taxes paid by an estate, trust, or beneficiary are decreased, each estate, trust, or beneficiary that benefits from the decrease in income tax shall reimburse the principal from which the increase in estate tax is paid. The total reimbursement must equal the increase in the estate tax to the extent that the principal used to pay the increase would have qualified for a marital deduction or charitable contribution deduction but for the payment. The proportionate share of the reimbursement for each estate, trust, or beneficiary whose income taxes are reduced must be the same as its proportionate share of the total decrease in income tax. An estate or trust shall reimburse principal from income.

Article 6

Miscellaneous Provisions

564-C:6-601 Severability Clause. If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

564-C:6-602 Application of Chapter to Trusts and Estates.

(a) The effective date of this chapter shall be January 1, 2007.

(b) Except as otherwise provided in this chapter, on the effective date of this chapter, the chapter shall apply:

(1) to every inter vivos trust created on or after the effective date of this chapter except as otherwise expressly provided in the terms of the trust or in this chapter;

(2) to any inter vivos trust created before the effective date of this chapter upon the election of the trustee to apply this chapter made in writing and delivered to the beneficiaries then entitled to receive income and principal from the trust;

(3) to any estate existing or testamentary trust of a decedent who dies on or after the effective date of this chapter;

(4) to any estate or testamentary trust upon the approval by a court of competent jurisdiction, upon either (A) a petition filed by an interested person or (B) the court on its own motion.

(c) Nothing in this section imposes a duty on the trustee or any other fiduciary to make an election under this section, and the trustee or any other fiduciary is not liable for failing to make an election under this section.

(d) Nothing in this chapter shall be construed to affect or change the form of accounting required under the rules of the probate court.

71 Board of Trust Company Incorporation; Membership. Amend RSA 392:1 to read as follows:

392:1 Incorporation Board. The bank commissioner, the state treasurer, or a deputy treasurer, and the attorney general, or a designee from the office of the attorney general, shall constitute a board for the incorporation of trust companies and other corporations of a similar character, shall be known as the board of trust company incorporation, and shall receive no compensation for services on this board. *The secretary of state, or designee shall be a nonvoting member of the board for the sole purpose of monitoring filings required to be made with the secretary of state.* The deputy bank commissioner shall serve as clerk of the board. Provided, that if on May 31, 1985 there shall be pending any matter before the board as constituted prior to May 31, 1985, the board as so constituted shall remain in existence with respect to such matter and shall retain jurisdiction thereof until final decision shall have been rendered thereon.

61 Effective Date. This act takes effect 60 days after its passage.
Amendment adopted.

Committee report adopted and ordered to third reading.

Rep. Rollo declared a conflict of interest and did not participate.

SB 318-FN, relative to the use of deadly force to protect oneself. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Stanley E. Stevens for the Majority of Criminal Justice and Public Safety: This bill is almost identical to HB 1354 which was defeated by the House. Current law already covers the duty to retreat. This is the section that the sponsors of HB 1354 conceded was covered by RSA 627:3. Vote 9-5.

Rep. Elbert I. Bicknell for the Minority of Criminal Justice and Public Safety: This bill, as introduced, simply gives back a right that has been eroded if not actually taken away, by a judicial system that has for many years been giving preferential treatment to criminals. This bill simply says that if you are being attacked in your home, your yard and any other place you have a right to be, you do not have to retreat and you do not have to turn your back on the attacker and run for your life, when you have the means to defend yourself, your family or others. In other words, this bill does away with our present law that states the victim must retreat if he or she can do so safely. It is the opinion of the minority of the committee as well as 20 of 24 citizens that testified on this bill, that to retreat upon being attacked instead of defending oneself and family is too unreasonable to ask of any person in that situation.

Rep. Bicknell spoke against and yielded to questions.

Reps. Kennedy and Mirski spoke against.

Rep. Stevens spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Boehm requested a roll call; sufficiently seconded.

YEAS 147 NAYS 178

YEAS 147

BELKNAP

Clark, Charles
Whalley, Michael

Millham, Alida

Morrison, Gail

Nedeau, Stephen

CARROLL

Ahlgren, Christopher	Martin, James	Olimpio, J Lisbeth	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Hogancamp, Deborah	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Robertson, Timothy	Tilton, Anna	Weed, Charles	

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott	Stohl, Eric
Theberge, Robert	Troll, John Jr		

GRAFTON

Aguilar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Chase, Claudia
Cote, Peter	Craig, James	Daniuk, Caitlin	DeVries, Betsi
Dokmo, Cynthia	Drisko, Richard	Egbers, Fran	Essex, David
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Graham, John
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hebert, Raymond
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Kopka, Angeline
Lefebvre, Roland	Matarazzo, Anthony Sr	Movsesian, Lori	Pappas, Christopher
Pilotte, Maurice	Rosenwald, Cindy	Ryder, Donald	Shattuck, Gilman
Sullivan, Francis	Sullivan, Peter	Velez, Hector	Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	DeJoie, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Gile, Mary
Hager, Elizabeth	Hamm, Christine	Hess, David	Kidder, David
MacKay, James	McMahon, Patricia	Oliver, James	Osborne, Jessie
Owen, Derek	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Walz, Mary Beth
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Cali-Pitts, Jacqueline	Charron, Gene
Cooney, Richard	Dowling, Patricia	Flockhart, Eileen	Francoeur, Sheila
Gould, Kenneth	Katsakiores, George	Langley, Jane	Moody, Marcia
O'Neil, Michael	Pantelakos, Laura	Powers, James	Priestley, Anne
Robinson, John	Spaine, James	Stone, Joseph	Weare, E Albert
Winchell, George			

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Dunlap, Patricia	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Donovan, Thomas	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Phinizz, James	Prichard, Stephen	

NAYS 178**BELKNAP**

Allen, Janet
Russell, David
Wendelboe, Fran

Boyce, Laurie
Tilton, Franklin

Heald, Bruce
Tobin, William

Pilliod, James
Veazey, John

CARROLL

Babson, David Jr
Dickinson, Howard
Patten, Betsey

Brown, Carolyn
Knox, J David

Buco, Thomas
McConkey, Mark

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Pelkey, Stephen

Espiefs, Peter
Sawyer, Sheldon

Footte, Sheila

COOS

King, Frederick

Morneau, Renney

Remick, William

Richardson, Herbert

GRAFTON

Eaton, Stephanie
Mirski, Paul
Williams, Burton

Gionet, Edmond
Naro, Debra

Ingbretson, Paul
Sorg, Gregory

Maybeck, Margie
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Brundige, Robert
Christensen, D L Chris
Desmarais, Vivian
Francoeur, Bea
Hagan, Barbara
Hinkle, Peyton
Johnson, Paula
Manney, Pamela
Mooney, Maureen
Pepino, Leo
Ross, Lawrence
Shaw, Kimberly
Ulery, Jordan

Allan, Nelson
Bergeron, Jean-Guy
Calawa, Leon Jr
Christiansen, Lars
Dyer, Donald
Goley, Jeffrey
Hansen, Ryan
Hirschmann, Keith
Kurk, Neal
Martin, Mary Ellen
O'Brien, William
Price, Pamela
Scanlon, Michael
Slocum, Lee
Vaillancourt, Steve

Balboni, Michael
Biundo, Michael
Carlson, Donald
Clark, Mark
Elliott, Nancy
Gorman, Mary
Hawkins, Ken
Holden, Randolph
L'Heureux, Robert
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Schulze, Joan
Smith, David
Villeneuve, Maurice

Barry, J Gail
Boehm, Ralph
Carter, Mark
Crane, Elenore Casey
Emerton, Larry
Goyette, Peter Jr
Hellwig, Steve
Judy, Jean
Lawrence, James
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Shaw, Barbara
Souza, Kathleen
Wheeler, James

MERRIMACK

Anderson, Eric
Field, William
Langlais, Thomas
Reed, Dennis

Clarke, Claire
Greco, Vincent
Lockwood, Priscilla
Softani, Tony

Currier, David
Kennedy, Richard
Marple, Richard
Tupper, Frank

Danforth, James
Klose, John
Maxfield, Roy

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Carson, Sharon
Donahue, Richard Ken
Flanders, John Sr
Headd, James
Ingram, Russell
McKinney, Betsy
Nowe, Ronald
Quandt, Matthew
Stiles, Nancy
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowd, John
Garrity, James
Hopfgarten, Paul
Johnson, Robert
McMahon, Charles
Packard, Sherman
Rausch, James
Welch, David
Zolla, William

Bettencourt, David
Cady, Harriet
Dalrymple, Janeen
Dumaine, Dudley
Gillick, Thomas
Hughes, Daniel
Katsakiores, Phyllis
Moore, Benjamin
Palazzo, Frank
Rolston, James
Weldy, Norman

Bicknell, Elbert
Camm, Kevin
DiFruscia, Anthony
Fesh, Bob
Griffin, Mary
Hutchinson, Karen
Major, Norman
Morris, Richard
Quandt, Marshall Lee
Sanders, Elisabeth
Wells, Roger

STRAFFORD

Albert, Russell
Cataldo, Sam
Hofemann, Roland
Twombly, James

Bickford, David
Chaplin, Duncan
Hollinger, Jeffrey

Brown, Julie
Cilley, Jacalyn
Newton, Clifford

Campbell, W Packy
Easson, Timothy
Rollo, Michael

SULLIVAN

Converse, Larry
Osgood, Philip Sr
and the majority committee report failed.

Gale, Harry
Rodeschin, Beverly

Irish, Christopher

Jillette, Arthur Jr

Rep. Bicknell moved Ought to Pass.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 193 NAYS 134**YEAS 193****BELKNAP**

Allen, Janet
Nedeau, Stephen
Tobin, William

Boyce, Laurie
Pilliod, James
Veazey, John

Clark, Charles
Russell, David
Wendelboe, Fran

Heald, Bruce
Tilton, Franklin
Whalley, Michael

CARROLL

Babson, David Jr
Dickinson, Howard
Patten, Betsey

Brown, Carolyn
Knox, J David

Buco, Thomas
McConkey, Mark

Chandler, Gene
Morrow, Harry

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hunt, John

COOS

Buzzell, Bernard
Remick, William

King, Frederick
Richardson, Herbert

Mears, Edgar

Morneau, Renney

GRAFTON

Eaton, Stephanie
Mirski, Paul
Williams, Burton

Gionet, Edmond
Naro, Debra

Ingbretson, Paul
Sorg, Gregory

Maybeck, Margie
Ward, John

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carter, Mark
Crane, Elenore Casey
Emerton, Larry
Goyette, Peter Jr
Hellwig, Steve
Judy, Jean
Lawrence, James
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Slocum, Lee
Ulery, Jordan

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Christensen, D L Chris
Desmarais, Vivian
Francoeur, Bea
Hagan, Barbara
Hinkle, Peyton
Johnson, Paula
Lefebvre, Roland
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Schulze, Joan
Smith, David
Vaillancourt, Steve

Balboni, Michael
Bergin, Peter
Calawa, Leon Jr
Christiansen, Lars
Dyer, Donald
Goley, Jeffrey
Hansen, Ryan
Hirschmann, Keith
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Pepino, Leo
Ross, Lawrence
Shaw, Barbara
Souza, Kathleen
Villeneuve, Maurice

Barry, J Gail
Biundo, Michael
Carlson, Donald
Clark, Mark
Elliott, Nancy
Gorman, Mary
Hawkins, Ken
Holden, Randolph
L'Heureux, Robert
Martin, Mary Ellen
O'Brien, William
Price, Pamela
Rowe, Robert
Shaw, Kimberly
Sullivan, Peter
Wheeler, James

MERRIMACK

Anderson, Eric
Greco, Vincent
Kidder, David
Marple, Richard
Tupper, Frank

Clarke, Claire
Hager, Elizabeth
Klose, John
Maxfield, Roy

Currier, David
Hess, David
Langlais, Thomas
Reed, Dennis

Field, William
Kennedy, Richard
Lockwood, Priscilla
Soltani, Tony

ROCKINGHAM

Allen, Mary
Bicknell, Elbert
Camm, Kevin
DiFruscia, Anthony
Dumaine, Dudley
Gillick, Thomas
Hughes, Daniel
Katsakiores, George
McMahon, Charles
O'Neil, Michael
Quandt, Matthew
Stiles, Nancy
Weyler, Kenneth

Asselin, Michael
Bishop, Franklin
Carson, Sharon
Donahue, Richard Ken
Fesh, Bob
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
Moore, Benjamin
Packard, Sherman
Rausch, James
Welch, David
Zolla, William

Belanger, Ronald
Buxton, Donald
Coburn, James
Dowd, John
Flanders, John Sr
Headd, James
Ingram, Russell
Major, Norman
Morris, Richard
Palazzo, Frank
Rolston, James
Weldy, Norman

Bettencourt, David
Cady, Harriet
Dalrymple, Janeen
Dowling, Patricia
Garrity, James
Hopfgarten, Paul
Johnson, Robert
McKinney, Betsy
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Wells, Roger

STRAFFORD

Albert, Russell
Cataldo, Sam
Easson, Timothy
Rollo, Michael

Bickford, David
Chaplin, Duncan
Hofemann, Roland
Twombly, James

Brown, Julie
Cilley, Jacalyn
Hollinger, Jeffrey

Campbell, W Packy
Dunlap, Patricia
Newton, Clifford

SULLIVAN

Converse, Larry
Osgood, Philip Sr

Gale, Harry
Rodeschin, Beverly

Irish, Christopher

Jillette, Arthur Jr

NAYS 134**BELKNAP**

Millham, Alida

Morrison, Gail

CARROLL

Ahlgren, Christopher
Stevens, Stanley

Martin, James

Olimpio, J Lisbeth

Philbrick, Donald

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Richardson, Barbara

Butcher, Suzanne
Eaton, Daniel
Parkhurst, Henry
Robertson, Timothy

Butynski, William
Espiefs, Peter
Plifka, Stanley Jr
Tilton, Anna

Chase, William
Hogancamp, Deborah
Pratt, John
Weed, Charles

COOS

Merrick, Scott

Stohl, Eric

Theberge, Robert

Tholl, John Jr

GRAFTON

Aguiar, James
Cooney, Mary
Mulholland, Catherine

Almy, Susan
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

Bleyler, Ruth
McLeod, Martha
Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Craig, James

Beaulieu, Jane
Daniuk, Caitlin

Chase, Claudia
DeVries, Betsi

Cote, Peter
Dokmo, Cynthia

Drisko, Richard
Ginsburg, Ruth
Hall, Betty
Jasper, Shawn
Movsesian, Lori
Ryder, Donald
Wheeler, Robert

Egbers, Fran
Golding, William
Harvey, Suzanne
Jean, Claudette
Pappas, Christopher
Shattuck, Gilman

Essex, David
Graham, John
Hebert, Raymond
Kopka, Angeline
Pilotte, Maurice
Sullivan, Francis

Gargas, Carolyn
Haley, Robert
Irwin, Anne-Marie
Matarazzo, Anthony Sr
Rosenwald, Cindy
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
DeJoie, John
Gile, Mary
Oliver, James
Reardon, Tara
Tilton, Joy

Bouchard, Candace
DeStefano, Stephen
Hamm, Christine
Osborne, Jessie
Rush, Deanna
Walz, Mary Beth

Brueggemann, Donald
Foose, Robert
MacKay, James
Owen, Derek
Ryan, Jim
Williams, Robert

Danforth, James
French, Barbara
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cooney, Richard
Langley, Jane
Priestley, Anne
Weare, E Albert

Brown, C. Pennington
Flockhart, Eileen
Moody, Marcia
Robinson, John
Winchell, George

Cali-Pitts, Jacqueline
Francoeur, Sheila
Pantelakos, Laura
Splaine, James

Charron, Gene
Gould, Kenneth
Powers, James
Stone, Joseph

STRAFFORD

Brown, Jennifer
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Keans, Sandra
Smith, Marjorie

Grassie, Anne
Knowles, William
Spang, Judith

Johnson, Nancy
Miller, Joseph
Taylor, Kathleen

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Donovan, Thomas
Phinizy, James

Ferland, Brenda
Prichard, Stephen

Franklin, Peter

and the minority committee report was adopted.
Ordered to third reading.

(Deputy Speaker Weyler in the Chair)

SB 348, prohibiting the taking of arms and ammunition in a declared state of emergency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gene P. Charron for the Majority of Criminal Justice and Public Safety: The committee felt that the events that predicated this bill were extreme examples that happened in New Orleans. New Hampshire gun owners are responsible people. Gun seizure of an entire town would be highly unlikely. No town or city would have the resources to enforce this law. Vote 14-5.

Rep. Elbert I. Bicknell for the Minority of Criminal Justice and Public Safety: According to some on the committee, and possibly in the House itself, there are those that keep insisting what happened in New Orleans could never happen in New Hampshire. The minority simply points out that New Hampshire never before had a flood like what recently occurred in Alstead, but yet it did happen. Is it unreasonable to think that in certain situations, under certain conditions, under certain leaderships, we in New Hampshire will not ever have something as catastrophic an event as happened in New Orleans? As to the confiscation, or seizure of weapons of innocent citizens by members of the Police and Armed services be they from New Orleans or other states, does anyone really think it too, could not happen in New Hampshire under the wrong leadership and right emergency situations? It will not start with a "whole town" losing its rights, it will start as most lost liberties start, piecemeal, slowly, incrementally and one morning we awake without the right to protect ourselves and family, because a "leader" gave the order to start in a given area of town and seize all weapons from all peoples. This bill will not disallow the police to still use warrants from Courts, to still use probable cause to seize on sight of the unlawful use of weapons. By no means does this bill handcuff our police, if in fact they have the authority to seize firearms now,

they will under that same authority be able to do what is needed for law and order to prevail in an emergency situation with help from lawfully armed citizens of New Hampshire. This bill is needed, to ensure that what the majority says will never happen, can never happen.

Rep. Bicknell spoke against and yielded to questions.

Rep. Mirski spoke against.

Rep. Charron spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. James Wheeler requested a roll call; sufficiently seconded.

YEAS 107 NAYS 219

YEAS 107

BELKNAP

Morrison, Gail

CARROLL

Martin, James

Olimpio, J Lisbeth

Stevens, Stanley

CHESHIRE

Allen, Peter

Butcher, Suzanne

Butynski, William

Chase, William

Foote, Sheila

Hogancamp, Deborah

Mitchell, Bonnie

Parkhurst, Henry

Plifka, Stanley Jr

Pratt, John

Richardson, Barbara

Robertson, Timothy

Weed, Charles

COOS

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Almy, Susan

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

HILLSBOROUGH

Beaulieu, Jane

Bergin, Peter

Chase, Claudia

Cote, Peter

Daniuk, Caitlin

DeVries, Betsi

Drisko, Richard

Egbers, Fran

Emerton, Larry

Essex, David

Gargas, Carolyn

Ginsburg, Ruth

Golding, William

Haley, Robert

Hall, Betty

Harvey, Suzanne

Hebert, Raymond

Jean, Claudette

Michon, Stephen

Movsesian, Lori

Pappas, Christopher

Pilotte, Maurice

Ryder, Donald

Shattuck, Gilman

Velez, Hector

MERRIMACK

Blanchard, Elizabeth

Bouchard, Candace

Brueggemann, Donald

DeStefano, Stephen

Foose, Robert

French, Barbara

Gile, Mary

Hager, Elizabeth

Hamm, Christine

Kidder, David

MacKay, James

McMahon, Patricia

Oliver, James

Osborne, Jessie

Owen, Derek

Potter, Frances

Reardon, Tara

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Cali-Pitts, Jacqueline

Charron, Gene

Dowling, Patricia

Flockhart, Eileen

Francoeur, Sheila

Gould, Kenneth

Katsakiores, George

Pantelakos, Laura

Powers, James

Priestley, Anne

Robinson, John

Splaine, James

Stone, Joseph

Weare, E Albert

Winchell, George

STRAFFORD

Brown, Lawrence

Dunlap, Patricia

Grassie, Anne

Kaen, Naida

Knowles, William

Miller, Joseph

Schmidt, Peter

Smith, Marjorie

Spang, Judith

Wall, Janet

SULLIVAN

Franklin, Peter

Houde-Quimby, Charlotte

Prichard, Stephen

NAYS 219**BELKNAP**

Allen, Janet

Boyce, Laurie

Clark, Charles

Heald, Bruce

Millham, Alida

Nedeau, Stephen

Pilliod, James

Russell, David

Tilton, Franklin

Tobin, William

Veazey, John

Wendelboe, Fran

Whalley, Michael

CARROLL

Ahlgren, Christopher

Babson, David Jr

Brown, Carolyn

Buco, Thomas

Chandler, Gene

Dickinson, Howard

Knox, J David

McConkey, Mark

Merron, Harry

Patten, Betsey

Philbrick, Donald

CHESHIRE

Dexter, Judson

Dunn, J Timothy

Eaton, Daniel

Emerson, Susan

Espies, Peter

Hunt, John

Pelkey, Stephen

Sawyer, Sheldon

Tilton, Anna

COOS

Buzzell, Bernard

King, Frederick

Morneau, Renney

Remick, William

Richardson, Herbert

Stohl, Eric

Tholl, John Jr

GRAFTON

Aguir, James

Eaton, Stephanie

Gionet, Edmond

Ingbretson, Paul

Maybeck, Margie

Mirski, Paul

Naro, Debra

Solomon, Peter

Sorg, Gregory

Ward, John

Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV

Allan, Nelson

Balboni, Michael

Baroody, Benjamin

Barry, J Gail

Batula, Peter

Bergeron, Jean-Guy

Biundo, Michael

Boehm, Ralph

Brundige, Robert

Calawa, Leon Jr

Campbell, David

Carlson, Donald

Carter, Mark

Christensen, D L Chris

Christiansen, Lars

Clark, Mark

Craig, James

Crane, Elenore Casey

Desmarais, Vivian

Dokmo, Cynthia

Dyer, Donald

Elliott, Nancy

Francoeur, Bea

Goley, Jeffrey

Gorman, Mary

Goyette, Peter Jr

Graham, John

Hagan, Barbara

Hansen, Ryan

Hawkins, Ken

Hellwig, Steve

Hinkle, Peyton

Hirschmann, Keith

Holden, Randolph

Irwin, Anne-Marie

Jasper, Shawn

Jeudy, Jean

Johnson, Paula

Kopka, Angeline

Kurk, Neal

L'Heureux, Robert

Lawrence, James

Lefebvre, Roland

Manney, Pamela

Martin, Mary Ellen

Matarazzo, Anthony Sr

McRae, Karen

Mead, Robert

Mooney, Maureen

O'Brien, William

O'Connell, Timothy

Ober, Lynne

Pepino, Leo

Price, Pamela

Reeves, Sandra

Renzullo, Andrew

Rosenwald, Cindy

Rowe, Robert

Scanlon, Michael

Schulze, Joan

Shaw, Barbara

Shaw, Kimberly

Slocum, Lee

Smith, David

Souza, Kathleen

Sullivan, Francis

Sullivan, Peter

Ulery, Jordan

Vaillancourt, Steve

Villeneuve, Maurice

Wheeler, James

Wheeler, Robert

MERRIMACK

Anderson, Eric

Clarke, Claire

Currier, David

Danforth, James

DeJoie, John

Field, William

Greco, Vincent

Hess, David

Kennedy, Richard

Klose, John

Langlais, Thomas

Lockwood, Priscilla

Marple, Richard

Reed, Dennis

Soltani, Tony

Tupper, Frank

ROCKINGHAM

Abbott, Dennis

Allen, Mary

Asselin, Michael

Belanger, Ronald

Bettencourt, David

Bicknell, Elbert

Bishop, Franklin

Brown, C. Pennington

Buxton, Donald

Cady, Harriet

Camm, Kevin

Carson, Sharon

Coburn, James
Donahue, Richard Ken
Flanders, John Sr
Headd, James
Ingram, Russell
Major, Norman
Moore, Benjamin
Packard, Sherman
Rausch, James
Welch, David

Cooney, Richard
Dowd, John
Garrity, James
Hopfgarten, Paul
Johnson, Robert
McKinney, Betsy
Morris, Richard
Palazzo, Frank
Rolston, James
Weldy, Norman

Dalrymple, Janeen
Dumaine, Dudley
Gillick, Thomas
Hughes, Daniel
Katsakiores, Phyllis
McMahon, Charles
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Wells, Roger

DiFruscia, Anthony
Fesh, Bob
Griffin, Mary
Hutchinson, Karen
Langley, Jane
Moody, Marcia
O'Neil, Michael
Quandt, Matthew
Stiles, Nancy
Zolla, William

STRAFFORD

Allen, Russell
Campbell, W Packy
Easson, Timothy
Keans, Sandra
Twombly, James

Bickford, David
Cataldo, Sam
Hofemann, Roland
Newton, Clifford

Brown, Jennifer
Chaplin, Duncan
Hollinger, Jeffrey
Rollo, Michael

Brown, Julie
Cilley, Jacalyn
Johnson, Nancy
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Phinizy, James
and the majority committee report failed.

Converse, Larry
Irish, Christopher
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

Rep. Bicknell moved Ought to Pass and spoke in favor.
Rep. Bicknell requested a roll call; sufficiently seconded.

YEAS 235 NAYS 91

YEAS 235

BELKNAP

Allen, Janet
Millham, Alida
Tilton, Franklin
Whalley, Michael

Boyce, Laurie
Nedeau, Stephen
Tobin, William

Clark, Charles
Pilliod, James
Veazey, John

Heald, Bruce
Russell, David
Wendelboe, Fran

CARROLL

Ahlgren, Christopher
Chandler, Gene
Morrow, Harry

Babson, David Jr
Dickinson, Howard
Patten, Betsey

Brown, Carolyn
Knox, J David
Philbrick, Donald

Buco, Thomas
McConkey, Mark

CHESHIRE

Dexter, Judson
Espiefs, Peter
Sawyer, Sheldon

Dunn, J Timothy
Hogancamp, Deborah
Tilton, Anna

Eaton, Daniel
Hunt, John

Emerson, Susan
Pelkey, Stephen

COOS

Buzzell, Bernard
Remick, William
Tholl, John Jr

King, Frederick
Richardson, Herbert

Mears, Edgar
Stohl, Eric

Morneau, Renney
Theberge, Robert

GRAFTON

Aguiar, James
Maybeck, Margie
Sorg, Gregory

Eaton, Stephanie
Mirski, Paul
Ward, John

Gionet, Edmond
Naro, Debra
Williams, Burton

Ingbretson, Paul
Solomon, Peter

HILLSBOROUGH

Adams, Jarvis IV
Barry, J Gail

Allan, Nelson
Batula, Peter

Balboni, Michael
Bergeron, Jean-Guy

Baroody, Benjamin
Bergin, Peter

Biundo, Michael
Campbell, David
Christiansen, Lars
Desmarais, Vivian
Emerton, Larry
Gorman, Mary
Hansen, Ryan
Hirschmann, Keith
Judy, Jean
L'Heureux, Robert
Matarazzo, Anthony Sr
O'Brien, William
Price, Pamela
Rowe, Robert
Shaw, Kimberly
Sullivan, Francis
Villeneuve, Maurice

Boehm, Ralph
Carlson, Donald
Clark, Mark
Dokmo, Cynthia
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Holden, Randolph
Johnson, Paula
Lawrence, James
McRae, Karen
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Slocum, Lee
Sullivan, Peter
Wheeler, James

Brundige, Robert
Carter, Mark
Craig, James
Dyer, Donald
Gargas, Carolyn
Graham, John
Hellwig, Steve
Irwin, Anne-Marie
Kopka, Angeline
Manney, Pamela
Mead, Robert
Ober, Lynne
Renzullo, Andrew
Schulze, Joan
Smith, David
Ulery, Jordan
Wheeler, Robert

Calawa, Leon Jr
Christensen, D L Chris
Crane, Elenore Casey
Elliott, Nancy
Goley, Jeffrey
Hagan, Barbara
Hinkle, Peyton
Jasper, Shawn
Kurk, Neal
Martin, Mary Ellen
Mooney, Maureen
Pepino, Leo
Rosenwald, Cindy
Shaw, Barbara
Souza, Kathleen
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
DeJoie, John
Hager, Elizabeth
Klose, John
Marple, Richard
Soltani, Tony

Clarke, Claire
DeStefano, Stephen
Hess, David
Langlais, Thomas
Potter, Frances
Tupper, Frank

Currier, David
Field, William
Kennedy, Richard
Lockwood, Priscilla
Reed, Dennis
Walz, Mary Beth

Danforth, James
Greco, Vincent
Kidder, David
MacKay, James
Shurtleff, Stephen

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Buxton, Donald
Coburn, James
Donahue, Richard Ken
Flanders, John Sr
Griffin, Mary
Hutchinson, Karen
Katsakiores, Phyllis
McMahon, Charles
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Wells, Roger

Allen, Mary
Bicknell, Elbert
Cady, Harriet
Cooney, Richard
Dowd, John
Francoeur, Sheila
Headd, James
Ingram, Russell
Langley, Jane
Moody, Marcia
O'Neil, Michael
Quandt, Matthew
Stiles, Nancy
Winchell, George

Asselin, Michael
Bishop, Franklin
Camm, Kevin
Dalrymple, Janeen
Dumaine, Dudley
Garrity, James
Hopfgarten, Paul
Johnson, Robert
Major, Norman
Moore, Benjamin
Packard, Sherman
Rausch, James
Welch, David
Zolla, William

Belanger, Ronald
Brown, C. Pennington
Carson, Sharon
DiFruscia, Anthony
Fesh, Bob
Gillick, Thomas
Hughes, Daniel
Katsakiores, George
McKinney, Betsy
Morris, Richard
Palazzo, Frank
Rolston, James
Weldy, Norman

STRAFFORD

Albert, Russell
Brown, Lawrence
Cilley, Jacalyn
Hollinger, Jeffrey
Taylor, Kathleen

Bickford, David
Campbell, W Packy
Dunlap, Patricia
Johnson, Nancy
Twombly, James

Brown, Jennifer
Cataldo, Sam
Easson, Timothy
Newton, Clifford

Brown, Julie
Chaplin, Duncan
Hofemann, Roland
Rollo, Michael

SULLIVAN

Cloutier, John
Gale, Harry
Phinizy, James

Converse, Larry
Irish, Christopher
Rodeschin, Beverly

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

NAYS 91 BELKNAP

Morrison, Gail

CARROLL

Martin, James	Olimpio, J Lisbeth	Stevens, Stanley
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Weed, Charles

COOS

Merrick, Scott

GRAFTON

Almy, Susan	Benn, Bernard	Bleyler, Ruth	Cooney, Mary
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda		

HILLSBOROUGH

Beaulieu, Jane	Chase, Claudia	Cote, Peter	Daniuk, Caitlin
DeVries, Betsi	Drisko, Richard	Egbers, Fran	Essex, David
Ginsburg, Ruth	Golding, William	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hebert, Raymond	Jean, Claudette	Lefebvre, Roland
Michon, Stephen	Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice
Ryder, Donald	Shattuck, Gilman	Velez, Hector	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Foose, Robert
French, Barbara	Gile, Mary	Hamm, Christine	McMahon, Patricia
Oliver, James	Osborne, Jessie	Owen, Derek	Reardon, Tara
Rush, Deanna	Ryan, Jim	Tilton, Joy	Williams, Robert
Yeaton, Charles			

ROCKINGHAM

Cali-Pitts, Jacqueline	Charron, Gene	Dowling, Patricia	Flockhart, Eileen
Gould, Kenneth	Pantelakos, Laura	Powers, James	Priestley, Anne
Robinson, John	Splaine, James	Stone, Joseph	Weare, E Albert

STRAFFORD

Grassie, Anne	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Schmidt, Peter	Smith, Marjorie	Spang, Judith
Wall, Janet			

SULLIVAN

Franklin, Peter	Houde-Quimby, Charlotte	Prichard, Stephen
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and the minority committee report was adopted.
Ordered to third reading.

RECONSIDERATION

Rep. O'Brien having voted on the prevailing side moved that the House reconsider its action whereby it voted **SB 318-FN**, relative to the use of deadly force to protect oneself, Ought to Pass. Rep. O'Brien spoke against.
Reconsideration failed.

REGULAR CALENDAR (CONT'D.)

SB 351-FN, declaring drowning as cruelty to animals. **INEXPEDIENT TO LEGISLATE.**
Rep. Timothy D. O'Connell for Environment and Agriculture: The majority of the committee believes that current laws covering animal cruelty (torture, mutilation and mistreatment) are adequate and feel that the bill as proposed would open possible loopholes weakening rather than strengthening existing law. This statute change would not apply to licensed trappers. Vote 12-3.
Rep. Nancy Johnson spoke against.

(Speaker Scamman in the Chair)

Rep. Newton spoke in favor and yielded to questions.

Reps. Bettencourt, O'Connell, Kennedy and Schmidt spoke against.

Rep. Owen spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Nancy Johnson requested a roll call; sufficiently seconded.

YEAS 212 NAYS 113**YEAS 212****BELKNAP**

Allen, Janet
Millham, Alida
Russell, David
Whalley, Michael

Boyce, Laurie
Morrison, Gail
Tilton, Franklin

Clark, Charles
Nedeau, Stephen
Tobin, William

Heald, Bruce
Pilliod, James
Veazey, John

CARROLL

Ahlgren, Christopher
Dickinson, Howard
Patten, Betsey

Babson, David Jr
Knox, J David
Philbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Chandler, Gene
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dexter, Judson
Pelkey, Stephen
Tilton, Anna

Butcher, Suzanne
Espiefs, Peter
Plika, Stanley Jr
Weed, Charles

Butynski, William
Hogancamp, Deborah
Robertson, Timothy

Chase, William
Hunt, John
Sawyer, Sheldon

COOS

Buzzell, Bernard

Stohl, Eric

Theberge, Robert

Tholl, John Jr

GRAFTON

Aguiar, James
Gionet, Edmond
McLeod, Martha
Sokol, Hilda

Almy, Susan
Hammond, Lee
Mirski, Paul
Sorg, Gregory

Benn, Bernard
Harding, A Laurie
Mulholland, Catherine
Ward, John

Bleyler, Ruth
Ingbretson, Paul
Nordgren, Sharon
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Carter, Mark
Drisko, Richard
Francoeur, Bea
Goley, Jeffrey
Hawkins, Ken
Irwin, Anne-Marie
L'Heureux, Robert
Mead, Robert
O'Connell, Timothy
Reeves, Sandra
Scanlon, Michael
Sullivan, Francis

Allan, Nelson
Bergin, Peter
Christensen, D L Chris
Elliott, Nancy
Gargas, Carolyn
Goyette, Peter Jr
Hellwig, Steve
Jasper, Shawn
Lawrence, James
Michon, Stephen
Pepino, Leo
Ross, Lawrence
Shaw, Barbara
Ulery, Jordan

Balboni, Michael
Brundige, Robert
Cote, Peter
Emerton, Larry
Ginsburg, Ruth
Graham, John
Hinkle, Peyton
Kopka, Angeline
Lefebvre, Roland
Mooney, Maureen
Pilotte, Maurice
Rowe, Robert
Slocum, Lee
Wheeler, James

Beaulieu, Jane
Campbell, David
DeVries, Betsi
Essex, David
Golding, William
Hansen, Ryan
Holden, Randolph
Kurk, Neal
McRae, Karen
O'Brien, William
Price, Pamela
Ryder, Donald
Smith, David
Wheeler, Robert

MERRIMACK

Anderson, Eric
Field, William
Hamm, Christine

Blanchard, Elizabeth
Foose, Robert
Hess, David

Bouchard, Candace
French, Barbara
Kennedy, Richard

Danforth, James
Hager, Elizabeth
Kidder, David

Klose, John
Marple, Richard
Owen, Derek
Williams, Robert

Langlais, Thomas
Maxfield, Roy
Reed, Dennis
Yeaton, Charles

Lockwood, Priscilla
McMahon, Patricia
Rush, Deanna

MacKay, James
Oliver, James
Tupper, Frank

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Camm, Kevin
Donahue, Richard Ken
Flockhart, Eileen
Gould, Kenneth
Johnson, Robert
Moore, Benjamin
Packard, Sherman
Stone, Joseph
Wells, Roger

Allen, Mary
Brown, C. Pennington
Charron, Gene
Dowling, Patricia
Francoeur, Sheila
Griffin, Mary
Katsakiores, George
Morris, Richard
Robinson, John
Weare, E Albert
Weyler, Kenneth

Belanger, Ronald
Buxton, Donald
Coburn, James
Fesh, Bob
Garrity, James
Headd, James
Major, Norman
Nowe, Ronald
Rolston, James
Welch, David
Zolla, William

Bicknell, Elbert
Cady, Harriet
Cooney, Richard
Flanders, John Sr
Gillick, Thomas
Ingram, Russell
McMahon, Charles
O'Neil, Michael
Sanders, Elisabeth
Weldy, Norman

STRAFFORD

Bickford, David
Cataldo, Sam
Grassie, Anne
Knowles, William
Wall, Janet

Brown, Jennifer
Chaplin, Duncan
Hollinger, Jeffrey
Newton, Clifford

Brown, Julie
Dunlap, Patricia
Kaen, Naida
Rollo, Michael

Campbell, W Packy
Easson, Timothy
Keans, Sandra
Twombly, James

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Osgood, Philip Sr

Donovan, Thomas
Houde-Quimby, Charlotte
Phinizy, James

Ferland, Brenda
Irish, Christopher
Rodeschin, Beverly

NAYS 113

BELKNAP

Wendelboe, Fran

Buco, Thomas

Martin, James

Morrow, Harry

CHESHIRE

Dunn, J Timothy
Mitchell, Bonnie

Eaton, Daniel
Parkhurst, Henry

Emerson, Susan
Pratt, John

Foote, Sheila
Richardson, Barbara

COOS

Mears, Edgar
Richardson, Herbert

Merrick, Scott

Morneau, Renney

Remick, William

GRAFTON

Cooney, Mary

Maybeck, Margie

Naro, Debra

Solomon, Peter

HILLSBOROUGH

Baroody, Benjamin
Boehm, Ralph
Clark, Mark
Desmarais, Vivian
Gorman, Mary
Harvey, Suzanne
Jean, Claudette
Martin, Mary Ellen
Pappas, Christopher
Shattuck, Gilman
Vaillancourt, Steve

Barry, J Gail
Calawa, Leon Jr
Craig, James
Dokmo, Cynthia
Hagan, Barbara
Hebert, Raymond
Jeudy, Jean
Matarazzo, Anthony Sr
Renzullo, Andrew
Shaw, Kimberly
Velez, Hector

Batula, Peter
Carlson, Donald
Crane, Elenore Casey
Dyer, Donald
Haley, Robert
Hirschmann, Keith
Johnson, Paula
Movsesian, Lori
Rosenwald, Cindy
Souza, Kathleen
Villeneuve, Maurice

Biundo, Michael
Chase, Claudia
Daniuk, Caitlin
Egbers, Fran
Hall, Betty
Infantine, William
Manney, Pamela
Ober, Lynne
Schulze, Joan
Sullivan, Peter

MERRIMACK

Brueggemann, Donald
DeStefano, Stephen
Potter, Frances
Tilton, Joy

Clarke, Claire
Gile, Mary
Ryan, Jim
Walz, Mary Beth

Currier, David
Greco, Vincent
Shurtleff, Stephen

DeJoie, John
Osborne, Jessie
Soltani, Tony

ROCKINGHAM

Asselin, Michael
Dalrymple, Janeen
Hopfgarten, Paul
Langley, Jane
Pantelakos, Laura
Quandt, Matthew

Bettencourt, David
DiFruscia, Anthony
Hughes, Daniel
McKinney, Betsy
Powers, James
Splaine, James

Cali-Pitts, Jacqueline
Dowd, John
Hutchinson, Karen
Moody, Marcia
Priestley, Anne
Stiles, Nancy

Carson, Sharon
Dumaine, Dudley
Katsakiores, Phyllis
Palazzo, Frank
Quandt, Marshall Lee
Winchell, George

STRAFFORD

Brown, Lawrence
Johnson, Nancy
Spang, Judith

Cilley, Jacalyn
Miller, Joseph
Taylor, Kathleen

Goodwin, Earle
Schmidt, Peter

Hofemann, Roland
Smith, Marjorie

SULLIVAN

Prichard, Stephen

and the committee report was adopted.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that House Rules be so far suspended as to permit introduction of *House Resolution 24*, affirming revenue estimates for fiscal years 2006 and 2007, and to permit consideration at the present time without the required referral to committee, printing, public hearing or report.

Adopted by the necessary two-thirds.

INTRODUCTION OF HR 24

Introduction having been approved by a two-thirds vote of the House, Reps. O'Neil and Craig offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, *House Resolution 24*, affirming revenue estimates for fiscal years 2006 and 2007, shall be by this resolution read a first and second time by the therein listed title.

First and second reading

HR 24, affirming revenue estimates for fiscal years 2006 and 2007. (Major, Rock 8)

HOUSE RESOLUTION 24

affirming revenue estimates for fiscal years 2006 and 2007.

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2006 and 2007 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2006 and 2007.

Committee estimates are based on current rates.

LBAO
March 22, 2006

House Ways & Means Revenue Estimates
General & Education Trust Fund Splits

	FY 2006			FY 2007		
	Ed Trust	Gen'l Fd	Total	Ed Trust	Gen'l Fd	Total
Business Taxes	20,000	30,000	50,000	10,000	15,000	25,000
Approximate Allocation %	40%	60%	100%	40%	60%	100%
Meals & Rooms		(4,000)	(4,000)		(4,000)	(4,000)
Allocation %	0%	100%	100%	0%	100%	100%
Real Estate Tax	(3,300)	(6,700)	(10,000)	(4,300)	(8,700)	(13,000)
Allocation %	33%	67%	100%	33%	67%	100%
Court Fines		(600)	(600)			
Allocation %	0%	100%	100%			
Horse Racing		300	300		300	300
Dog Racing		(900)	(900)		(900)	(900)
Allocation %	0%	100%	100%	0%	100%	100%
Utility Property Tax	(1,000)		(1,000)	(1,000)		(1,000)
Allocation %	100%	0%	100%	100%	0%	100%
Lottery	2,100		2,100	(100)		(100)
Allocation %	100%	0%	100%	100%	0%	100%
Total	17,800	18,100	35,900	4,600	1,700	6,300
			Gen'l Fund		19,800	

**STATE OF NEW HAMPSHIRE
HOUSE WAYS & MEANS COMMITTEE
INTERIM 3/21/06 REVENUE ESTIMATES**

GEN'L & ED TRUST FUNDS: (Dollars in Millions)	(A)	(B)	(C)	(D)	(E)	(F)	(G)
	FY 2005 Actual	Official Estimate	FY 2006 Committee Estimate	Variance	Official Estimate	FY 2007 Committee Estimate	Variance
(1) Business Profits Tax	\$247,395	\$280,200	\$308,700	\$28,500	\$298,600	\$312,800	\$14,200
(2) Business Enterprise Tax	244,710	211,400	232,900	21,500	225,300	236,100	10,800
(3) Subtotal	492,105	491,600	541,600	50,000	523,900	548,900	25,000
(4) Meals & Rooms Tax	193,639	206,300	202,300	(4,000)	217,600	213,600	(4,000)
(5) Liquor Sales	112,555	122,500	122,500	0.000	129,000	129,000	0.000
(6) Interest & Dividends Tax	67,896	70,300	70,300	0.000	73,300	73,300	0.000
(7) Insurance Tax	88,706	92,600	92,600	0.000	95,300	95,300	0.000
(8) Tobacco Tax	101,373	144,500	144,500	0.000	144,500	144,500	0.000
(9) Other	59,612	58,500	58,500	0.000	61,100	61,100	0.000
(10) Communications Tax	70,039	71,300	71,300	0.000	74,100	74,100	0.000
(11) Estate & Legacy Tax	11,659	6,800	6,800	0.000	4,100	4,100	0.000
(12) Real Estate Transfer Tax	159,781	171,600	161,600	(10,000)	181,000	168,000	(13,000)
(13) Court Fines & Fees	25,517	30,400	29,800	(600)	30,400	30,400	0.000
(14) Utility Tax	6,265	6,400	6,400	0.000	6,600	6,600	0.000
(15) Securities Revenue	27,904	30,000	30,000	0.000	31,500	31,500	0.000
(16) Board & Care Revenue	15,583	13,500	13,500	0.000	14,000	14,000	0.000
(17) Beer Tax	12,413	12,500	12,500	0.000	12,600	12,600	0.000
(18) Horse Racing	2,401	2,000	2,300	0.300	2,000	2,300	0.300
(19) Dog Racing	1,112	1,400	0.500	(0.900)	1,400	0.500	(0.900)
(20) Tobacco Settlement Funds	42,441	43,000	43,000	0.000	43,000	43,000	0.000
(21) SUBTOTAL	\$1,491,001	\$1,575,200	\$1,610,000	\$34,800	\$1,645,400	\$1,652,800	\$7,400

March 22, 2006

2

STATE OF NEW HAMPSHIRE
HOUSE WAYS & MEANS COMMITTEE
INTERIM 3/21/06 REVENUE ESTIMATES

(A) GEN'L & ED TRUST FUNDS: (cont.) (Dollars in Millions)	(B) Official Estimate	(C) FY 2006 Committee Estimate	(D) Variance	(E) Official Estimate	(F) FY 2007 Committee Estimate	(G) Variance
(1) Other Medicaid Enhancement	39.062	0.000	0.000	0.000	0.000	0.000
(2) Net Medicaid Enhancement Revenue	147.209	73.000	0.000	75.800	75.800	0.000
(3) Utility Property Tax	20.102	22.800	(1.000)	24.100	23.100	(1.000)
(4) Statewide Property Tax	371.302	363.000	0.000	363.000	363.000	0.000
(5) Lottery Revenue Transfers	70.263	75.000	2.100	78.000	77.900	(0.100)
(6) Medicaid Recovery Regular Care	20.676	15.500	0.000	15.100	15.100	0.000
(7) Medicaid Recovery Long Term Care	2.313	2.100	0.000	1.900	1.900	0.000
(8) <u>TOTAL GEN'L & ED TRUST FUNDS</u>	<u>\$2,161.928</u>	<u>\$2,162.500</u>	<u>\$35.900</u>	<u>\$2,203.300</u>	<u>\$2,209.600</u>	<u>\$6.300</u>

(A) HIGHWAY FUNDS: (Dollars in Millions)	(B) Official Estimate	(C) FY 2006 Committee Estimate	(D) Variance	(E) Official Estimate	(F) FY 2007 Committee Estimate	(G) Variance
(9) Road Toll	131.975	132.000	(1.500)	134.200	134.200	0.000
(10) Motor Vehicle Fees	93.190	87.200	(2.000)	93.900	93.900	0.000
(11) Miscellaneous	7.418	10.400	0.000	10.400	10.400	0.000
(12) <u>TOTAL HIGHWAY FUNDS</u>	<u>\$232.583</u>	<u>\$226.100</u>	<u>(\$3.500)</u>	<u>\$238.500</u>	<u>\$238.500</u>	<u>\$0.000</u>

FISH & GAME FUNDS:

(A) FISH & GAME FUNDS: (Dollars in Millions)	(B) Official Estimate	(C) FY 2006 Committee Estimate	(D) Variance	(E) Official Estimate	(F) FY 2007 Committee Estimate	(G) Variance
(13) Fish & Game Licenses	\$8.230	\$8.300	\$0.000	\$8.300	\$8.300	\$0.000
(14) Miscellaneous	1.300	1.200	0.000	1.200	1.200	0.000
(15) <u>TOTAL FISH & GAME FUNDS</u>	<u>\$9.530</u>	<u>\$9.500</u>	<u>\$0.000</u>	<u>\$9.500</u>	<u>\$9.500</u>	<u>\$0.000</u>

Rep. Major moved that the House adopt **HR 24**, affirming revenue estimates for fiscal years 2006 and 2007, spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. Major moved that **HR 24**, affirming revenue estimates for fiscal years 2006 and 2007, be laid on the table.

Adopted.

The House recessed at 12:40 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:45 p.m.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 317, 345, 624, 1135, 1173, 1189, 1227, 1313, 1324, 1356, 1361, 1465, 1487 and 1584, House Joint Resolution number 21 and Senate Bills numbered 207, 328, 332 and 395.

Rep. Currier, Sen. D'Allesandro for the Committee

SPECIAL ORDER

SB 355-FN, relative to unlawful possession of alcohol by a minor. **REFER FOR INTERIM STUDY.** Rep. Mary Stuart Gile for Children and Family Law: The committee recognizes the honorable intent of the bill's sponsor to protect any person under the age of 21 from possessing or consuming alcoholic beverages. However, many questions and concerns were raised, such as the value of approaches involving prevention versus punishment, parents' role in teaching their children about responsible use of alcoholic beverages, the potential for overzealous application by authorities, particularly among the 18-21 population and lastly, if current NH law prohibits anyone 21 years and under from drinking alcohol, why do we need this bill? Interim Study seemed the most appropriate decision. Vote 13-1.

Rep. Harding spoke in favor.

Committee report adopted.

REGULAR CALENDAR (CONT'D.)

SB 388, relative to farm composting and pesticides. **OUGHT TO PASS WITH AMENDMENT.** Rep. Betty B. Hall for Environment and Agriculture: This bill allows for storage, use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost and animal manure. It also defines composting as an agricultural activity. Vote 14-1.

CLERK'S NOTE

Amendment (1876h), printed in House Calendar 34, was incorrect as it was not adopted by the committee. Since amendment (1876h) failed in committee, it is not proper procedure to address it as the committee amendment. Therefore, amendment (1966h), found in seat pockets, which was adopted by the committee was addressed.

Amendment (1966h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to farm agricultural composting and pesticides.

Amend RSA 21:34-a, II(b)(7) as inserted by section 1 of the bill by replacing it with the following:

(7) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm. This shall not include sludge or biosolids.

AMENDED ANALYSIS

This bill adds composting to the list of defined farm activities and designates compost as a farm product, but excludes sludge and biosolids in the production of compost.

This bill also specifies pesticides for inclusion in state management plans to protect groundwater from pesticide contamination.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 354-FN, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nelson S. Allan for Executive Departments and Administration: The New Hampshire Hospital security force is required to be fully certified as police officers by the police standards and training council. The security force will move to group II as they meet the certification requirements. The committee amended the bill to ensure no inadvertent harm would come to the security force during transition. The New Hampshire security force is currently under the Department of Safety. This went into effect in 2004 under the reorganization of various departments. Vote 16-2.

Amendment (1895h)

Amend the bill by replacing section 5 with the following:

5 Transitional Provisions. Any persons employed as security officers of the New Hampshire hospital security force on the date this act takes effect and who have not completed the training required by the police standards and training council for certification as full-time police officers shall be scheduled for training at the police academy at the earliest practical time without undue interruption to the security operations at the hospital. No person shall be entitled to join group II of the retirement system without successfully completing all the training and other requirements to be fully certified. Any person employed as a security officer of the security force on the date this act takes effect and who has not successfully completed all the training and requirements for full-time police certification shall be entitled to continue said employment or be transferred to a civilian position at a comparable labor grade at the hospital or the department of safety. All officers hired on or after July 1, 2006, if not already full-time certified, shall successfully complete the police academy within the time specified in RSA 188-F and the rules of the police standards and training council.

Amendment adopted.

On a division vote, 143 members having voted in the affirmative and 144 in the negative, the committee report failed.

Rep. Nowe moved Inexpedient to Legislate.

Rep. Bergin yielded to questions.

LAID ON THE TABLE

Rep. Soltani moved that **SB 354-FN**, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system, be laid on the table.

On a division vote, 167 members having voted in the affirmative and 139 in the negative, the motion was adopted.

REGULAR CALENDAR (CONT'D.)

SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system. **OUGHT TO PASS.**

Rep. Maurice L. Pilotte for Executive Departments and Administration: This bill allows the Manchester employees' contributory retirement system to accept certain tax-sheltered funds for service buybacks by members. These must be trustee-to-trustee transfers of funds from retirement plans qualified under 401(k), 403(b), or 457 of the United States Internal Revenue Code of 1986, as amended. The bill specifically prohibits service buyback if they would violate section 415(n) of the Internal Revenue Code of 1986, as amended. Portability of retirement contributions is essential in today's work environment. Vote 17-0.

Committee report adopted and ordered to third reading.

SB 242, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory M. Sorg for Judiciary: Although there is presently no statute specifically prohibiting a perpetrator of the intentional or otherwise unlawful killing of another from inheriting from the estate of his victim, the courts, guided by the Supreme Court's 1963 ruling in *Kelly v. State*, 105 NH 240, have accomplished this result through their equity powers by charging the slayer as a constructive trustee of the property concerned, in those cases where it is found that he has been unjustly enriched by his wrongful act. The committee concluded that this method of addressing such cases has worked satisfactorily to bring about the social policy

objectives of this bill. The committee also concluded that attempting to substitute a statute - no matter how carefully inclusive it may be - for the case-by-case flexibility of present practice, may cause unintended gaps or omissions in the law, and that, in the absence of any disagreement with the result the courts have reached in this area, no statutory remedy is necessary or advisable. Vote 12-5. Committee report adopted.

SB 287-FN, making certain changes to the eminent domain statute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen C. Mooney for Judiciary: When an event such as the U.S. Supreme Court's Kelo decision so threatens and undermines our long-standing, common understanding of what the government can and can not do through the use of the eminent domain power, we must act to ensure that Kelo-like takings will not take place in New Hampshire. SB 287, as amended by the committee, will do 3 things: 1.) it will define "public use" for the first time in the statutes; 2.) it will replace the term "public purpose" with "public use" in numerous statutes; 3.) it will create a study committee to study topics relative to eminent domain. This bill alters close to 30 RSAs in order to accomplish these 3 objectives. The term "public use," as found in Part I, Art. 12 of the NH Constitution, has never been defined in the NH statutes before. Furthermore, the statutes have continually used the term public "purpose" and deviated from the constitutional term "use." SB 287 makes clear to all New Hampshire citizens that their property may be taken by eminent domain only for genuine "public use" which is comprehensively defined in a way that both government and private citizens can understand. It restores the original and common understanding that private property cannot be taken by eminent domain for anything other than use for utilities, common carriers, or when the taking is necessary for the possession, occupation and enjoyment of the property by the general public or governmental entities (i.e., not for the private profit of private developers). SB 287 is also a balanced bill. It preserves the ability of public bodies to promote economic development without forcibly taking the property of private citizens for use by other private parties, and it also allows municipalities to use eminent domain to address abandoned structures beyond repair, and public nuisances if they pose a threat to the health and safety of the public at large. Lastly, SB 287 explicitly prohibits using eminent domain in the name of economic development, private commercial enterprise, increasing tax revenues and employment opportunities. Vote 16-0.

Amendment (1928h)

Amend the title of the bill by replacing it with the following:

AN ACT making certain changes to the eminent domain statute and establishing a committee to study eminent domain issues.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition Added; "Public Use." Amend RSA 162-K:2 by inserting after paragraph IX the following new paragraph:

IX-a. "Public use" means:

(a)(1) The possession, occupation, and enjoyment of real property by the general public or governmental entities;

(2) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease;

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to the health and safety of the public at large; and

(4) Private use that occupies an incidental area within a public use; provided, that no real property shall be condemned solely for the purpose of facilitating such incidental private use.

(b) Except as provided in subparagraphs (a)(2) and (4) of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.

2 Municipal Economic Development; Eminent Domain. Amend RSA 162-K:6, III(b) to read as follows:

(b) Acquire ~~land~~ *real property* or easements through negotiation or through powers of eminent domain, *except that property acquired through powers of eminent domain shall be put to public use, as defined in RSA 162-K:2, IX-a;*

3 New Paragraph; Housing Authorities Law; Definition Added. Amend RSA 203:3 by inserting after paragraph XIII the following new paragraph:

XIV. "Public use" means:

(a)(1) The possession, occupation, and enjoyment of real property by the general public or governmental entities;

(2) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease;

(3) The acquisition of real property to remove slums, as defined in RSA 203:3, VIII, structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to the health and safety of the public at large; and

(4) Private use that occupies an incidental area within a public use; provided, that no real property may be condemned solely for the purpose of facilitating such incidental private use.

(b) Except as provided in subparagraphs (a)(2) and (4) of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.

4 New Paragraph; Housing Authorities Law; Eminent Domain. Amend RSA 203:12 by inserting after paragraph I the following new paragraph:

1-a. Property acquired through powers of eminent domain shall be put to public use, as defined in RSA 203:3, XIV.

5 Redevelopment Projects. Amend RSA 205:1 to read as follows:

205:1 Finding and Declaration of Necessity. It is hereby found and declared (a) that there exist in many communities within this state blighted areas [~~as defined herein~~ or ~~areas in the process of becoming blighted~~] *for the reasons set forth in RSA 205:2-b*; (b) that such areas impair economic values and tax revenues; that such areas cause an increase in and spread of disease and crime and constitute a menace to the health[;] *and safety*[~~, morals and welfare~~] of the residents of the state, that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities; (c) that the clearance, replanning and preparation for rebuilding of these areas, and the prevention or the reduction of blight and its causes, are public [~~uses and~~] purposes for which public money may be spent and private property acquired, *consistent with this chapter*, and are governmental functions of state concern; (d) that there are also certain areas where the condition of the title, the diverse ownership of the [~~land~~] *real property* to be assembled, the street or lot layouts, or other conditions prevent a proper development of the [~~land~~] *real property*, and that it is in the public interest that such areas, as well as blighted areas, be acquired by eminent domain, *consistent with this chapter*, and made available for sound and wholesome development in accordance with a redevelopment plan, and that the exercise of the power of eminent domain and the financing of the acquisition and preparation of [~~land~~] *real property* by a public agency for such redevelopment is likewise a public use *justifying the use of the powers of eminent domain when exercised consistent with RSA 205:3-b and a public purpose for which public money may be expended and such other powers authorized*; (e) that redevelopment activities will stimulate residential construction which is closely correlated with general economic activity; and that such undertakings authorized by this chapter will aid the production of better housing and more desirable neighborhoods and community development at lower costs and will make possible a more stable and larger volume of residential construction, which will assist materially in achieving and maintaining full employment; and (f) that it is in the public interest that advance preparation for such projects and activities be made now, and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

6 Redevelopment Projects; Findings and Declaration of Necessity. Amend RSA 205:1-a to read as follows:

205:1-a Findings and Declaration of Necessity. It is hereby found and declared that (a) certain of the blighted areas [~~and the areas in the process of becoming blighted, or portions thereof~~] may, through the means provided herein, be susceptible of conservation or rehabilitation in such manner that the conditions [~~and evils~~] of blight may be eliminated, remedied or prevented and, to the extent feasible, the salvable blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process, and (b) all powers conferred in this chapter are for public uses *justifying the use of the powers of eminent domain when exercised consistent with RSA 205:3-b and public purposes* for which public money may be expended and such other powers exercised, and the necessity in the public interest for these provisions is hereby declared as a matter of legislative determination.

7 Redevelopment Projects; Finding and Declaration of Necessity. Amend RSA 205:1-b to read as follows:

205:1-b Findings and Declaration of Necessity. It is hereby found and declared that there exist in many communities within this state areas of vacant or predominantly vacant [~~land~~] **real property** which are substandard or blighted [~~or in the process of becoming blighted~~] for the reasons set forth in RSA 205:2-b; that such areas constitute a serious and growing menace to the safety[;] **and** health[~~, morals, and welfare~~] of the communities of this state; that such areas are not being used at all or are being used in an unplanned, haphazard and piecemeal manner; that such areas impair economic values, retard the provision of residential, commercial, industrial, institutional and recreational buildings and other improvements, impair the tax revenues in these communities and threaten the sources of public revenue and the financial stability of these communities, thus preventing the sound growth of these communities and the provision of new places of residence or employment for their citizens; that the development or redevelopment of such areas in these communities in accordance with a comprehensive redevelopment plan is necessary to improve economic values, return important tax revenues, and provide additional places of residence or employment; that the development or redevelopment of such areas cannot be achieved by the ordinary operations of private enterprise without the aids herein provided; that the development or redevelopment of such areas are public [~~uses and~~] purposes for which public monies may be expended and **public uses** for which the power of eminent domain and other governmental powers may be exercised, **consistent with RSA 205:3-b**; that the development or redevelopment of such areas in accordance with an approved redevelopment plan will stimulate the investment of private capital, the construction of residential, commercial, industrial, institutional and recreational buildings and the provision of new sources of employment and will eliminate and prevent the recurrence of the existing substandard and blighted and blighting conditions now existing in such areas; and the necessity in the public interest for these provisions is hereby declared as a matter of legislative determination.

8 Redevelopment Projects; Authority. Amend RSA 205:3 to read as follows:

205:3 Authority. In undertaking such redevelopment projects a housing authority shall have all the rights, powers, privileges and immunities that such authority has under the housing authorities law, RSA 203, and any other provision of law relating to slum clearance and housing projects for persons of low income (including, without limiting the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations and give security therefor, to acquire real property by eminent domain or purchase, and to do any and all things necessary to carry out projects, *except that the power to acquire real property by eminent domain shall be limited as set forth in RSA 205:3-a*) in the same manner as though all the provisions of law applicable to slum clearance and housing projects were applicable to redevelopment projects undertaken under this chapter; provided that nothing contained in RSA 203:9 and 10 shall be construed as limiting the power of an authority, in the event of a default by a purchaser or lessee of land in a redevelopment plan, to acquire **real** property and operate it free from the restrictions contained in said sections.

9 New Sections; Redevelopment Projects; Authority to Take Real Property by Eminent Domain Limited. Amend RSA 205 by inserting after section 3 the following new sections:

205:3-a Authority to Take Real Property by Eminent Domain Limited. In undertaking redevelopment projects pursuant to this chapter, a housing authority shall have the power to take real property by eminent domain. The power of eminent domain shall be used only for the purpose of acquiring real property that will be put to public use, as defined in RSA 205:3-b.

205:3-b "Public Use" Defined. Notwithstanding any other provision of law to the contrary, in this chapter, "public use" means:

I.(a) The possession, occupation, and enjoyment of real property by the general public or governmental entities;

(b) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease;

(c) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to the health and safety of the public at large; and

(d) Private use that occupies an incidental area within a public use; provided, that no real property may be condemned solely for the purpose of facilitating such incidental private use.

II. Except as provided in subparagraphs I(b) and (d) of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.

10 Eminent Domain Procedure Act; Intent of Chapter. Amend RSA 498-A:1 to read as follows:
498-A:1 Intent of Chapter.

I. It is the intent by the enactment of this chapter to provide a complete and exclusive procedure to govern all condemnations of property for public purposes including the review of necessity, public [purposes] uses, and net-public benefit, and the assessment of damages therefor. It is not intended to enlarge or diminish the power of condemnation given by law to any condemnor and it is not intended to enlarge or diminish the rights given by law to any condemnee to challenge the necessity, public [purposes] uses, and net-public benefit for any condemnation.

II. *Notwithstanding any other provision of law to the contrary, no person's private real property shall be taken pursuant to this chapter unless that real property is to be put to public use, as defined in RSA 498-A:2, VII.*

11 New Paragraph; Definition Added; Public Use. Amend RSA 498-A:2 by inserting after paragraph VI the following new paragraph:

VII. "Public use" means:

(a)(1) The possession, occupation, and enjoyment of real property by the general public or governmental entities;

(2) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease;

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to the health and safety of the public at large; and

(4) Private use that occupies an incidental area within a public use; provided, that no real property may be condemned solely for the purpose of facilitating such incidental private use.

(b) Except as provided in subparagraphs (a)(2) and (4) of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.

12 Condemnation; Passage of Title; Declaration of Taking. Amend RSA 498-A:5, II(e) to read as follows:

(e) A brief description of the purpose of the condemnation [and], the need [therefore] *therefor, and the public use to which the real property will be put;*

13 Eminent Procedure Act; Preliminary Objections. Amend RSA 498-A:9-a, I(c) to read as follows:

(c) The necessity, public [purposes] use, and net-public benefit of the taking.

14 Eminent Procedure Act; Determination of Preliminary Objections Based on Necessity. Amend the section heading and paragraph I of RSA 498-A:9-b to read as follows:

498-A:9-b Determination of Preliminary Objections Based on Necessity, Public [Purpose] Use, and Net-Public Benefit.

1. If a condemnee files a preliminary objection under RSA 498-A:9-a, I(c) concerning necessity, public [purpose] use, or net-public benefit, the board shall transfer that preliminary objection to the superior court of the county in which the property is located. There shall be no filing fee for such transfer.

15 New Section; Eminent Domain Procedure Act; Attorneys Fees. Amend RSA 498-A by inserting after section 26-a the following new section:

498-A:26-b Attorney's Fees. If the condemnee is the prevailing party solely on the issue of public use, he or she shall be entitled to reasonable attorney's fees.

16 Change of Term; "Public Purpose" to "Public Use." Amend RSA 21-L:15, 1 to read as follows:

I. The board shall hear and decide appeals from decisions of the commissioner relative to contract interpretation or other decisions affecting persons not employed by the department, municipalities, or private property, except condemnations of property for public [purposes] uses, and the assessment of damages therefor. Decisions of division directors shall be appealed to the commissioner. Decisions of the commissioner may be appealed to the appeals board, except decisions relative to aeronautical matters, which may be appealed to the aviation users advisory board established under RSA 21-L:8, and decisions relative to common carriers by rail, which may be appealed to the railroad appeals board established under RSA 21-L:16. The board shall also hear

appeals from the department of administrative services relating to such matters involving public works design and construction as have been delegated to the department of administrative services or as were administered prior to July 1, 2005 by the division of public works, department of transportation.

17 Change of Term; "Public Purpose" to "Public Use." Amend RSA 71-B:5, III to read as follows:

III. To hear and determine all matters relating to the condemnation of property for public [purposes] uses and the assessment of damages therefor as provided in RSA 498-A.

18 Change of Term; "Public Purpose" to "Public Use." Amend RSA 228:56 to read as follows:

228:56 Acquisition and Necessity. Notwithstanding any provisions of the law to the contrary, the commissioner, as sole agent for the state, and with the approval of the governor and council, is authorized to acquire, by purchase or condemnation, or otherwise, such portion or portions of the rail property of any railroad corporation, including such tracks and ties, rights-of-way, land, buildings, appurtenances and other facilities necessary and required for the operation of railroads, as well as any other property found by the commissioner to be necessary for the operation of a railroad or other transportation purposes, including recreational trails. The authority to acquire such rail properties shall extend to rail properties within, as well as those not within, the jurisdiction of the Interstate Commerce Commission, and includes rail properties within the purview of the Regional Rail Reorganization Act of 1973, and any amendments thereto or other pertinent federal legislation. The acquisition of such rail properties and other property by the commissioner shall be for the purpose of the continued and future operation of a railroad or transportation corridor, including recreational trails, which is deemed to be in the public interest and which shall include the authority to sell or lease said properties. The acquisition of such rail properties and other property is declared to be a public [purpose] use and to be reasonably necessary. This action may be taken in concert with another state or states as necessary to insure continued rail service and to insure continuous corridors, including recreational trails.

19 Change of Term; "Public Purpose" to "Public Use." Amend RSA 228:57 to read as follows:

228:57 Sale or Lease; Purpose. The commissioner as sole agent for the state, with the approval of the governor and council, is authorized to sell, transfer or lease all or any part of the rail properties, and other property acquired under the provisions of this subdivision, to any responsible person, firm or corporation, for continued operation of a railroad, or other public [purpose] use, provided, if necessary, approval for such continued operation, or other public [purpose] use, is granted by the interstate commerce commission of the United States whenever such approval is required. Such sale, transfer or lease shall be for such price, and subject to said further terms and conditions, as in the opinion of the commissioner are necessary and appropriate to effectuate the purposes of this subdivision.

20 Change of Term; "Public Purpose" to "Public Use." Amend RSA 228:59 to read as follows:

228:59 Condemnation. If the commissioner is unable to acquire the rail properties of any railroad, or any part thereof, by purchase or otherwise, he *or she* may proceed to condemn all or any such portion of such property. In all such condemnation proceedings, the legislative determination herein made that the acquisition is for a public [purpose] use and is reasonably necessary shall be prima facie evidence thereof. The procedure for any necessary condemnation proceedings shall be as set forth in RSA 498-A.

21 Change of Term; "Public Purpose" to "Public Use." Amend RSA 228:67 to read as follows:

228:67 Disposition of Acquired or Abandoned Rail Properties. Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are no longer needed, the commissioner may transfer or sell such rail properties to any other state department or agency, or political subdivision of the state, which will utilize such properties for public [purposes] uses and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, in accordance with RSA 4:40 with the proceeds from the sale deposited into the special fund established in RSA 228:68. Such transfer or sale shall require approval of the long range capital planning and utilization committee and the governor and council.

22 Change of Term; "Public Purpose" to "Public Use." Amend RSA 230:13, I to read as follows:

I. The governor, with advice of the council, may determine upon hearing whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways as proposed by the commissioner of transportation, and, if so, shall appoint a commission of 3 persons who may purchase land or other property that is reasonably necessary for the construction, reconstruction, or alteration and who

shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A and all issues that are appealed relating to necessity, public [purpose] use, and net public benefit shall be determined in accordance with RSA 230:19. Property rights acquired under the provisions of this section shall be in fee simple or in the form of easements, including property acquired by condemnation proceedings.

23 Change of Term; "Public Purpose" to "Public Use." Amend RSA 230:14, I to read as follows:

I. The governor, with advice of the council, may appoint a commission of 3 persons who, upon hearing, shall determine whether there is occasion for the laying out or alteration of a class I or class II highway or a highway within the state included in the national system of interstate highways as proposed by the commissioner of transportation and if so, the commission may purchase land or other property that is reasonably necessary for the construction, reconstruction, or alteration and shall lay out the remainder of such highway or alteration. Any such land or property which cannot be acquired by agreement with the owner or owners thereof may be acquired in accordance with RSA 498-A and all issues that are appealed relating to necessity, public [purpose] use, and net public benefit shall be determined in accordance with RSA 230:19. Property rights acquired under the provisions of this section shall be in fee simple or in the form of easements, including property acquired by condemnation proceedings.

24 Change of Term; "Public Purpose" to "Public Use." Amend RSA 498-A:1 to read as follows:

498-A:1 Intent of Chapter. It is the intent by the enactment of this chapter to provide a complete and exclusive procedure to govern all condemnations of property for public [purposes] uses including the review of necessity, public [purposes] uses, and net-public benefit, and the assessment of damages therefor. It is not intended to enlarge or diminish the power of condemnation given by law to any condemnor and it is not intended to enlarge or diminish the rights given by law to any condemnee to challenge the necessity, public [purposes] uses, and net-public benefit for any condemnation.

25 Change of Term; "Public Purpose" to "Public Use." Amend RSA 498-A:2, I-III to read as follows:

I. "Condemn" means to take public and private property by authority of law for a public [purpose] use;

II. "Condemnee" means the owner of record of property taken or to be taken, including tenants for life or years, remaindermen, reversioners, and holders of undischarged mortgages of record whose mortgages are dated not earlier than 20 years prior to the date of the filing of declaration of taking, municipalities with respect to unpaid taxes, fees and interest for which the municipality has been granted a lien or other interest in the property under the provisions of RSA 80, and guardians ad litem appointed pursuant to the provisions of this chapter. This definition does not include judgment creditors or other lien holders;

III. "Condemnor" means the entity, including the state of New Hampshire, taking property of another under authority of law for a public [purpose] use;

26 Change of Term; "Public Purpose" to "Public Use." Amend RSA 498-A:9-a, I(c) to read as follows:

(c) The necessity, public [purposes] uses, and net-public benefit of the taking.

27 Change of Term; "Public Purpose" to "Public Use." Amend RSA 498-A:9-b, I to read as follows:

I. If a condemnee files a preliminary objection under RSA 498-A:9-a, I(c) concerning necessity, public [purpose] use, or net-public benefit, the board shall transfer that preliminary objection to the superior court of the county in which the property is located. There shall be no filing fee for such transfer.

28 Committee Established. There is established a committee to study eminent domain in New Hampshire and issues related to eminent domain.

29 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

30 Duties. The committee shall specifically study:

I. What the criteria should be to establish the proper balance between the probable benefit of an economic development project to a community through the eminent domain process, and the probable harm to the concept of the sanctity of private property?

II. Do state statutes relating to eminent domain need to be consolidated, specifically those contained in RSA 203 and RSA 205?

III. Should we consider the award of enhanced compensation; that is, payment in excess of fair market value, for property taken by eminent domain?

IV. Should the terms "public good" and "incidental area within a public use," which have increasingly appeared in feasibility studies and court decisions in which the exercise of the power of eminent domain has been considered, be precisely defined by statute?

V. Should the term "blighted," and derivative and related terms, be explicitly defined by statute in the context of eminent domain when dealing with so-called "urban renewal" and "redevelopment" projects? Should the proposed RSA 498-A:2 language "the acquisition of land to cure a concrete harmful effect of its present use, including the removal of public nuisances or structures that are beyond repair or that are unfit for human habitation or use; or the acquisition of abandoned property" be included when defining "blight"? Should, and if so, how should appraisals and other similar measures be used to determine "blight"?

VI. Does the limited scope of our proposed definition of public use in any way unduly burden communities in greatest need of economic development?

VII. Should a displacing agency pay "replacement costs" to businesses displaced by eminent domain? If so, should the payment consist of an amount equal to the replacement cost of the business?

VIII. Whether natural gas pipelines fall within the category of a public or private utility or common carrier for the purposes of defining public use.

IX. Other issues pertinent to eminent domain in New Hampshire.

31 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

32 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 30, 2007.

33 Effective Date.

I. Sections 28-33 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2007.

AMENDED ANALYSIS

This bill defines the term "public use" for purposes of taking by eminent domain.

This bill also establishes a committee to study issues relative to eminent domain in New Hampshire. Amendment adopted.

Committee report adopted and ordered to third reading.

MOTION TO SPECIAL ORDER

Rep. Infantine moved that **SB 267**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status, be made a Special Order for Thursday, May 4, 2006 and spoke in favor.

On a division vote, 119 members having voted in the affirmative and 179 in the negative, the motion failed.

REGULAR CALENDAR (CONT'D.)

SB 267, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. **REFER FOR INTERIM STUDY.**

Rep. Mary J. Gorman for Labor, Industrial and Rehabilitative Services: The majority of the committee feels interim study would grant further examination of the state's definition of "independent contractor." Some factors to be determined include the necessity for the amendment's voluntary form, the choice of criteria from F - K, and the minimum wage law: definition of employee changed. Vote 12-2.

Committee report adopted.

SB 190-L, establishing a committee to study including workforce housing in zoning ordinances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Harry S. Gale for the Majority of Municipal and County Government: This bill, as amended by the Senate, directed a study committee to look at enabling a municipality who has adopted a master plan to adopt a mandatory inclusionary zoning provision in the housing section, that included workforce housing and set a percentage for the amount that had to be included in any given residential development. The majority of the committee feels that there may be a shortage of affordable housing in our state. Many misconceptions, misunderstandings, questions and concerns were raised, discussed and debated about the issue of affordable housing versus workforce housing. The majority agreed to amend the bill to promote a wide-ranging study designed to collect the ingredients of the affordable housing needs, including the collection of empirical data and other information, designed to support appropriate legislation, intended to result in wide-spread recognition of affordable housing problems and needs, as well as, possible solutions, including public/private partnerships. Vote 9-6.

Rep. David L. Buhlman for the Minority of Municipal and County Government: This study committee is not needed. To encourage the construction of affordable housing, municipalities now have the authority to revise their zoning to, for example, reduce required minimum lot sizes and reduce the level of impact fees. To supplement these already available tools, one of the 424 legislators could simply introduce a bill, next session that provides municipalities development options similar to that allowed in other states, such as 40b housing in Massachusetts.

Majority Amendment (1710h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study affordable housing in New Hampshire.

Amend paragraphs I-III of section 1 of the bill by replacing them with the following:

I. There is established a committee to study affordable housing in New Hampshire.

II. Membership and Compensation.

(a) The members of the committee shall be as follows:

(1) Three members of the senate, appointed by the president of the senate.

(2) Three members of the house of representatives, including one member of the municipal and county government committee, appointed by the speaker of the house of representatives.

(b) Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

III. Duties. The committee shall study adequate affordable housing in New Hampshire and other states, including the use of public and private partnerships. The committee's objectives shall include, but not be limited to, recommending options to municipalities and the state for increasing the supply of affordable housing. These options may include recommendations that are in a community's master plan and are related to zoning and planning ordinances and state incentives, such as tax credits to businesses and developers.

AMENDED ANALYSIS

This bill establishes a committee to study affordable housing in New Hampshire. On a division vote, 176 members having voted in the affirmative and 124 in the negative, the majority committee amendment was adopted.

The question now being adoption of the committee report.

Rep. Newton spoke against.

Rep. Gale spoke in favor.

Rep. Mirski spoke against and yielded to questions.

Rep. Gale requested a roll call; sufficiently seconded.

YEAS 180 NAYS 126

YEAS 180

BELKNAP

Heald, Bruce

Millham, Alida

Morrison, Gail

CARROLL

Babson, David Jr
McConkey, Mark

Brown, Carolyn
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Knox, J David

CHESHIRE

Butcher, Suzanne
Dexter, Judson
Espiefs, Peter
Plifka, Stanley Jr
Sawyer, Sheldon

Butynski, William
Dunn, J Timothy
Hogancamp, Deborah
Pratt, John
Tilton, Anna

Chase, William
Eaton, Daniel
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

Coates, Christopher
Emerson, Susan
Parkhurst, Henry
Robertson, Timothy

COOS

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Harding, A Laurie
Sokol, Hilda

Almy, Susan
Cooney, Mary
McLeod, Martha
Solomon, Peter

Andersen, Gene
Gionet, Edmond
Mulholland, Catherine

Benn, Bernard
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Allan, Nelson
Bergin, Peter
Cote, Peter
DeVries, Betsi
Egbers, Fran
Ginsburg, Ruth
Graham, John
Harvey, Suzanne
Irwin, Anne-Marie
L'Heureux, Robert
Movsesian, Lori
Schulze, Joan
Sullivan, Francis

Baroody, Benjamin
Brundige, Robert
Craig, James
Dokmo, Cynthia
Emerton, Larry
Golding, William
Haley, Robert
Hebert, Raymond
Jean, Claudette
Lefebvre, Roland
O'Connell, Timothy
Shattuck, Gilman
Sullivan, Peter

Barry, J Gail
Carter, Mark
Daniuk, Caitlin
Drisko, Richard
Essex, David
Goley, Jeffrey
Hall, Betty
Holden, Randolph
Jeu, Jean
Matarazzo, Anthony Sr
Pilotte, Maurice
Shaw, Barbara
Velez, Hector

Beaulieu, Jane
Chase, Claudia
Desmarais, Vivian
Dyer, Donald
Gargas, Carolyn
Gorman, Mary
Hansen, Ryan
Infantine, William
Johnson, Paula
Michon, Stephen
Ross, Lawrence
Shaw, Kimberly
Wheeler, Robert

MERRIMACK

Anderson, Eric
DeJoie, John
Gile, Mary
Hess, David
Oliver, James
Rush, Deanna
Tupper, Frank

Bouchard, Candace
DeStefano, Stephen
Greco, Vincent
Lockwood, Priscilla
Owen, Derek
Ryan, Jim
Walz, Mary Beth

Brueggemann, Donald
Foose, Robert
Hager, Elizabeth
MacKay, James
Potter, Frances
Shurtleff, Stephen
Williams, Robert

Clarke, Claire
French, Barbara
Hamm, Christine
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Gillick, Thomas
Major, Norman
Quandt, Marshall Lee
Scamman, Stella
Zolla, William

Bishop, Franklin
Carson, Sharon
Dowling, Patricia
Gould, Kenneth
Moody, Marcia
Quandt, Matthew
Splaine, James

Brown, C. Pennington
Coburn, James
Flanders, John Sr
Johnson, Robert
Powers, James
Robinson, John
Stiles, Nancy

Buxton, Donald
Cooney, Richard
Flockhart, Eileen
Langley, Jane
Priestley, Anne
Rolston, James
Wells, Roger

STRAFFORD

Brown, Jennifer
Cilley, Jacalyn
Kaen, Naida
Rollo, Michael
Taylor, Kathleen

Brown, Julie
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Hofemann, Roland
Knowles, William
Smith, Marjorie

Cataldo, Sam
Johnson, Nancy
Miller, Joseph
Spang, Judith

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Gale, Harry	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James

NAYS 126**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Nedeau, Stephen
Pilliod, James	Russell, David	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Chandler, Gene	Dickinson, Howard	Martin, James	Morrow, Harry
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Foote, Sheila	Hunt, John	Pelkey, Stephen
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COOS

Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Eaton, Stephanie	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Biundo, Michael	Boehm, Ralph	Calawa, Leon Jr	Campbell, David
Carlson, Donald	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Crane, Elenore Casey	Elliott, Nancy	Francoeur, Bea	Hawkins, Ken
Hellwig, Steve	Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn
Kopka, Angeline	Kurk, Neal	Lawrence, James	Manney, Pamela
Martin, Mary Ellen	McRae, Karen	Mead, Robert	Mooney, Maureen
O'Brien, William	Ober, Lynne	Pepino, Leo	Price, Pamela
Reeves, Sandra	Renzullo, Andrew	Rowe, Robert	Ryder, Donald
Slocum, Lee	Smith, David	Souza, Kathleen	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	

MERRIMACK

Currier, David	Danforth, James	Field, William	Kennedy, Richard
Kidder, David	Klose, John	Langlais, Thomas	Marple, Richard
Soltani, Tony			

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bicknell, Elbert	Cady, Harriet	Camm, Kevin	Charron, Gene
Dowd, John	Dumaine, Dudley	Fesh, Bob	Francoeur, Sheila
Garrity, James	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Ingram, Russell	Katsakiores, George
Katsakiores, Phyllis	McKinney, Betsy	McMahon, Charles	Morris, Richard
Nowe, Ronald	Packard, Sherman	Palazzo, Frank	Rausch, James
Sanders, Elisabeth	Weare, E Albert	Welch, David	Weyler, Kenneth
Winchell, George			

STRAFFORD

Bickford, David	Chaplin, Duncan	Easson, Timothy	Hollinger, Jeffrey
Newton, Clifford	Twombly, James		

SULLIVAN

Franklin, Peter	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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and the majority committee report was adopted.
Ordered to third reading.

SB 319, establishing a task force to study county government. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurie J. Boyce for the Majority of Municipal and County Government: This is a county task force bill that will undertake a broad study of the current functions of county government; investigate if county functions can be more efficiently accomplished; propose law changes, if necessary; propose changes to the method of selecting county delegates, the standardization of reporting budget procedures and any other issues relating to uniformity in reporting county operations. The amendment increases the membership of the task force to include ten house members appointed by the chair of each delegation, so that there will be adequate members to tackle this monumental task. Another part of the amendment includes the departments of county government, not just current functions. And the last part of the amendment requires that the task force hold at least one public forum in each county for the purpose of gathering information. The majority of the committee feels that this broad study will enlighten all the residents of the state about the current functions of county government. Vote 13-2.

Rep. David L. Buhlman for the Minority of Municipal and County Government: County government is working fine, at least as well as state government, so this study committee is not needed. If there were glaring problems with county government, then at least one of the 424 legislators should be able to submit legislation that directly addresses the perceived problems without spending more time on yet another study committee on this subject.

Majority Amendment (1782h)

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The members of the task force shall be as follows:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) Ten members of the house of representatives, each representing a different county, appointed by the chairpersons of the respective county delegations.
- (d) Two county commissioners, appointed by the New Hampshire Association of Counties.
- (e) One mayor of a city and one selectmen of a town, appointed by the New Hampshire Municipal Association.
- (f) One sheriff, appointed by the New Hampshire Sheriff's Association.
- (g) The commissioner of the department of revenue administration, or designee.
- (h) The commissioner of the department of health and human services, or designee.
- (i) The commissioner of the department of corrections, or designee.
- (j) Two public members, appointed by the governor.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Undertake a broad study of the current functions and departments of county government in New Hampshire, including but not limited to a determination of the total cost of operating county government functions, and shall also examine possible new functions of county government.

Amend the bill by replacing section 5 with the following:

5 Chairperson; Meetings; Public Forums. The members of the task force shall elect a chairperson from among the members. The first meeting of the task force shall be called by the first-named senate member. The first meeting of the task force shall be held within 45 days of the effective date of this section. The task force shall hold at least one public forum in each county for the purpose of gathering information relevant to the study.

Majority committee amendment adopted.

Rep. Patten offered floor amendment (2026h).

Floor Amendment (2026h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a task force to study county government, and relative to prohibiting filing with the registry of deeds a document that includes an individual's social security number or financial information.

Amend the bill by replacing all after section 6 with the following:

7 New Sections; Registers of Deeds; Social Security Numbers and Financial Information. Amend RSA 478 by inserting after section 4-a the following new sections:

478:4-b Records; Social Security Numbers and Financial Information.

I. The preparer of a document shall not include an individual's social security number, credit card number, or deposit account numbers in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens, certified copies of death certificates, and other documents required by law to contain such information that are filed or recorded in the office of the register of deeds. For the purpose of this section, "preparer" shall mean the person who drafts the documents that are recorded with the register of deeds. Preparer shall not include any person who hires, requires, refers, pays, or requests that the documents be drafted or recorded.

II. If a deed or instrument that includes an individual's social security number, credit card number, or deposit account numbers, was filed with the register of deeds and is available on the Internet, the individual may request that the register of deeds redact such information from the Internet record. The register of deeds shall establish a procedure by which individuals may request that such information be redacted from its files which are available on the Internet. Upon request, the information shall be redacted.

III. The register of deeds shall comply with an individual's request to redact his or her social security number, credit card number, or deposit account numbers within 5 business days of the receipt of the request, or sooner, if ordered to do so by a court, for good cause shown.

478:4-c Violation; Enforcement. An individual aggrieved by a violation of RSA 478:4-b, I may bring against the preparer:

I. An action to enjoin such violation.

II. An action to recover actual monetary loss from such a violation, or to receive up to \$1,000 in damages for each such violation, whichever is greater.

III. Both such actions.

8 Effective Date.

I. Section 7 of this act shall take effect March 1, 2007.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a task force to study county government. The bill also prohibits, with certain limited exceptions, a person from filing with the registry of deeds a document that includes an individual's social security number or financial information.

Rep. Patten spoke in favor and yielded to questions.

Floor amendment (2026h) adopted.

Majority committee report as amended adopted.

Ordered to third reading.

Rep. Soltani declared a conflict of interest and did not participate.

SB 386, relative to large groundwater withdrawals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judith T. Spang for the Majority of Resources, Recreation and Development: This bill provides an important building block in New Hampshire's developing groundwater policy. The bill does not change the criteria by which the Department of Environmental Services (DES) will decide on groundwater permits. Rather, it places those procedures in statute that are now just in rules. The bill also improves the process by providing a more efficient path for having concerns reviewed and adjudicated. Vote 13-4.

Rep. Richard T. Cooney for the Minority of Resources, Recreation and Development: Part of our property rights is the right to reasonable use of the groundwater under our property. Reasonable use means the use does not negatively impact any other use of the groundwater. If our use exceeds 57,600 gallons per day, we need a large groundwater permit from the Department of Environmental Services (DES). This permitting process ensures that we not negatively impact other users, or wetlands, ponds, lakes, or any other water resource. In the permitting process, provision is also made for new adjacent users to be accommodated. In addition, the withdrawal can be reduced or eliminated if DES determines that circumstances such as drought conditions require changes. The permit is only for a 10-year period. Some individuals are opposed to these withdrawals when they are made by someone who they feel should not have this right or by someone who is going to use the water for a purpose they do not like. This bill gives these individuals more avenues to drag out the permitting process to an extent, which makes it

so onerous, lengthy, and expensive that the right of the property owner is effectively eliminated. This is wrong! In addition, there are three study committees and commissions presently active which plan to provide a comprehensive water management plan for New Hampshire. We should wait for their report. The minority feels that this bill is bad legislation and should be inexpedient.

Majority Amendment (1919h)

Amend the introductory paragraph of RSA 485-C:21, V-c and RSA 485-C:21, V-c, (a)-(d) as inserted by section 5 by replacing them with the following:

V-c. In order to preserve the public trust, no large groundwater withdrawal shall cause an unmitigated impact as determined by the following:

(a) Reducing the withdrawal capacity of a private water supply well of a single residence as a result of the reduction of available water that is directly associated with the withdrawal as determined by the following:

(1) Any reduction in capacity for wells with a capacity less than water well board recommended optimum minimum flow capacity of 4 gallons per minute for 4 hours before the withdrawal;

(2) Any reduction in capacity below 4 gallons per minute for 4 hours, for wells that had a capacity greater than 4 gallons per minute for 4 hours, before the withdrawal; or

(3) A reduction in capacity where the well still has a capacity between 4 gallons and 10 gallons per minute for 4 hours and the user provides information indicating that the reduction in flow has resulted in the inability to meet their water needs;

(b) Reducing the capacity of a public, drinking water supply below the minimum withdrawal rates required per consumer determined by the following:

(1) Minimum daily amounts of drinking water shall be determined per use based on the design flow criteria established for public water supply systems established in rules adopted by the department; or

(2) Where it is verified that such wells were unable to produce the design flow before the withdrawal began, the adverse impact shall be any reduction in the ability to produce water;

(c) Reducing the capacity of a water supply that is used for a multiple unit dwelling residence, but that is not a public water supply, that results in the inability to continue established activities or maintain existing water capacity requirements;

(d) Reducing the capacity of a private, non-residential, non-drinking water supply that results in the inability of a commercial, industrial, agricultural, or retail facility to continue established services or production volumes;

Amend RSA 485-C:21, VI(b) as inserted by section 5 of the bill by replacing it with the following:

(b) Any party shall have the right to appeal from the decision of the water council to the superior court of the county in which the large groundwater withdrawal is to be made to determine the validity and the reasonableness of the department's action on the permit. The appeal shall be filed within 60 days after the decision of the water council. The appeal shall suspend the decision of the department pending the outcome of a preliminary hearing. The appeal, so far as practicable, shall have precedence over other actions in the same court.

Majority committee amendment adopted.

The question now being adoption of the majority committee report.

Reps. Currier and Chaplin spoke in favor.

Rep. Richard Cooney spoke against and yielded to questions.

Rep. Chris Christensen spoke against.

Rep. Lars Christiansen spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Richard Cooney requested a roll call; sufficiently seconded.

YEAS 236 NAYS 63

YEAS 236

BELKNAP

Allen, Janet
Nedeau, Stephen
Veazey, John

Boyce, Laurie
Pilliod, James
Whalley, Michael

Millham, Alida
Russell, David

Morrison, Gail
Tobin, William

CARROLL

Brown, Carolyn	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Butcher, Suzanne	Butynski, William	Chase, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Hogancamp, Deborah	Hunt, John	Mitchell, Bonnie
Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Robertson, Timothy	Weed, Charles	

COOS

King, Frederick	Merrick, Scott	Remick, William	Richardson, Herbert
Theberge, Robert	Tholl, John Jr		

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Eaton, Stephanie	Hammond, Lee
Harding, A Laurie	Maybeck, Margie	McLeod, Martha	Mirski, Paul
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory			

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Baroody, Benjamin	Beaulieu, Jane
Bergeron, Jean-Guy	Bergin, Peter	Campbell, David	Carlson, Donald
Carter, Mark	Chase, Claudia	Clark, Mark	Cote, Peter
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian
DeVries, Betsi	Dokmo, Cynthia	Dyer, Donald	Egbers, Fran
Elliott, Nancy	Emerton, Larry	Essex, David	Gargas, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hinkle, Peyton
Hirschmann, Keith	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert
Lefebvre, Roland	Manney, Pamela	Martin, Mary Ellen	Matarazzo, Anthony Sr
McRae, Karen	Mead, Robert	Michon, Stephen	Mooney, Maureen
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Ober, Lynne
Pilotte, Maurice	Reeves, Sandra	Ross, Lawrence	Rowe, Robert
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Clarke, Claire	Currier, David	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Gile, Mary	Greco, Vincent
Hager, Elizabeth	Hamm, Christine	Hess, David	Kennedy, Richard
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	McMahon, Patricia
Oliver, James	Owen, Derek	Potter, Frances	Reardon, Tara
Rush, Deanna	Ryan, Jim	Shurtleff, Stephen	Tilton, Joy
Tupper, Frank	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Bicknell, Elbert	Bishop, Franklin
Brown, C. Pennington	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Carson, Sharon	Coburn, James	DiFruscia, Anthony	Dumaine, Dudley
Flanders, John Sr	Flockhart, Eileen	Francoeur, Sheila	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Langley, Jane

McKinney, Betsy
Powers, James
Robinson, John
Stiles, Nancy

Moody, Marcia
Priestley, Anne
Rolston, James
Weare, E Albert

Morris, Richard
Quandt, Marshall Lee
Scamman, Stella
Welch, David

O'Neil, Michael
Rausch, James
Splaine, James

STRAFFORD

Bickford, David
Cataldo, Sam
Easson, Timothy
Kaen, Naida
Newton, Clifford
Spang, Judith

Brown, Jennifer
Chaplin, Duncan
Hofemann, Roland
Keans, Sandra
Rollo, Michael
Taylor, Kathleen

Brown, Julie
Cilley, Jacalyn
Hollinger, Jeffrey
Knowles, William
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

SULLIVAN

Cloutier, John
Franklin, Peter
Jillette, Arthur Jr

Converse, Larry
Gale, Harry
Phinizy, James

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Irish, Christopher

NAYS 63

BELKNAP

Clark, Charles

Heald, Bruce

Wendelboe, Fran

CARROLL

Babson, David Jr

CHESHIRE

Foote, Sheila

Sawyer, Sheldon

Tilton, Anna

COOS

Stohl, Eric

GRAFTON

Gionet, Edmond

Williams, Burton

HILLSBOROUGH

Allan, Nelson
Boehm, Ralph
Christiansen, Lars
Hawkins, Ken
Jasper, Shawn
Renzullo, Andrew
Wheeler, James

Barry, J Gail
Brundige, Robert
Drisko, Richard
Hebert, Raymond
Lawrence, James
Ryder, Donald

Batula, Peter
Calawa, Leon Jr
Goyette, Peter Jr
Hellwig, Steve
Pepino, Leo
Slocum, Lee

Biundo, Michael
Christensen, D L Chris
Graham, John
Holden, Randolph
Price, Pamela
Ulery, Jordan

MERRIMACK

Field, William

Kidder, David

Klose, John

Marple, Richard

ROCKINGHAM

Allen, Mary
Charron, Gene
Garrity, James
McMahon, Charles
Quandt, Matthew
Winchell, George

Belanger, Ronald
Cooney, Richard
Hughes, Daniel
Nowe, Ronald
Sanders, Elisabeth
Zolla, William

Bettencourt, David
Dowd, John
Ingram, Russell
Packard, Sherman
Wells, Roger

Camm, Kevin
Fesh, Bob
Major, Norman
Palazzo, Frank
Weyler, Kenneth

STRAFFORD

Twombly, James

SULLIVAN

Osgood, Philip Sr
and the majority committee report was adopted.
Ordered to third reading.

BILLS REMOVED FROM CONSENT CALENDAR

SB 271, relative to the availability of voter checklist information. **INEXPEDIENT TO LEGISLATE.** Rep. Claudia A. Chase for Election Law: The language of this bill is now covered in an amendment to HB 1238, adopted by the Senate. The committee, by unanimous vote, will recommend that the House concur with the amendment which required that mailing addresses be subject to the Right to Know Law, and therefore, the language of this bill is redundant. Vote 14-0. Rep. Whalley spoke in favor and yielded to questions. Committee report adopted.

SB 250, relative to lead paint poisoning prevention. **OUGHT TO PASS.** Rep. James F. Powers for Environment and Agriculture: This bill supports the important health task of reducing sources of lead poisoning. It provides some significant improvements to the Health and Human Services Department's process of enforcing their orders to reduce lead hazards in occupied rental dwellings. It specifies that an order issued by the Commissioner to reduce lead hazard is binding upon any new owner. Under present law, sale or transfer of the property means the whole process has to be started again from the beginning. In addition, the bill provides that either the Attorney General or the Commissioner may bring a civil action in Superior Court to enforce the Commissioner's orders. At present, this can only be done by the Attorney General's Office using legal sources currently available in the Health and Human Department. This process will accelerate removal of the hazardous material. Vote 15-0. Rep. Babson offered floor amendment (2060h).

Floor Amendment (2060h)

Amend RSA 130-A:7, V as inserted by section 4 of the bill by replacing it with the following:

V. Interim controls, as defined in this chapter, may be used as an acceptable alternative to lead hazard abatement only with the prior written approval of the commissioner and for a period not to exceed 2 years. Within that 2-year period the person subject to the order shall either take the steps necessary to eliminate or contain the lead exposure hazards or remove the dwelling or dwelling unit from the rental market.

Rep. Babson spoke in favor.

Rep. Mirski spoke in favor and yielded to questions.

Floor amendment (2060h) adopted.

Committee report as amended adopted.

Ordered to third reading.

SB 24, relative to disposition upon death of patient accounts in nursing homes. **OUGHT TO PASS.** Rep. Gregory M. Sorg for Judiciary: There is presently uncertainty among nursing homes as to how small amounts of money in patient accounts and other items of personal property of small value left in the home by deceased patients, particularly Medicaid patients, are to be handled. This bill establishes a simple, inexpensive and uniform procedure for dealing with such personal property in cases where its value does not exceed \$2,500.00 and no probate proceedings on the patient's estate have been filed within 180 days of the patient's death. It requires in such cases that the nursing home administrator file with the probate court for the county in which the nursing home is located, the patient's will, if any, and an affidavit, on a standard form to be prescribed by the probate court, attesting to the patient's death. The court will then see to the proper administration of the patient's estate and disposition of this property in accordance with the probate code. Vote 18-2. Rep. Soltani offered floor amendment (1950h)

Floor Amendment (1950h)

Amend RSA 151-A:15, I as inserted by section 1 of the bill by replacing it with the following:

I. If [30] *within 180* days after the date of a testate or intestate patient's death in any nursing home no petition for probate has [yet] been filed under any section of RSA 553 and the gross value of the personal property remaining at the nursing home belonging to the deceased, including any amount left in a patient account, is no more than \$2,500, the nursing home administrator [may] *shall* file in the probate court *in the county where the death certificate of the decedent identifies as the residence of the decedent* an affidavit for the purpose of disposing of such deceased patient's estate. The form of the affidavit, and the rules governing proceedings under this section, shall be provided by the probate court pursuant to RSA 547:33 and RSA 548:8. The nursing home admin-

istrator shall not file a death certificate with the probate court, but shall attest to the death in the affidavit. If the nursing home patient died testate *and if the nursing home administrator has the will or a copy of the will*, the nursing home administrator shall file the [with] *same* in the probate court *in the county where the death certificate of the decedent identifies as the residence of the decedent*. The probate court shall waive all filing fees.

Reps. Soltani and Rowe spoke in favor.

Reps. Sorg and Espiefs spoke against.

Rep. Boyce moved the previous question.

Adopted.

Floor amendment (1950h) failed.

Rep. Rowe appealed the Speaker's ruling on the voice vote on floor amendment (1950h).

The question being should the ruling of the Chair be upheld.

Rep. Vaillancourt spoke in favor.

Reps. Rowe and Soltani spoke against.

Rep. Dokmo requested a roll call; sufficiently seconded.

YEAS 274 NAYS 17

YEAS 274

BELKNAP

Allen, Janet
Morrison, Gail
Tobin, William

Clark, Charles
Nedeau, Stephen
Veazey, John

Heald, Bruce
Pilliod, James
Wendelboe, Fran

Millham, Alida
Russell, David
Whalley, Michael

CARROLL

Babson, David Jr
Dickinson, Howard
Merrrow, Harry
Stevens, Stanley

Brown, Carolyn
Knox, J David
Olimpio, J Lisbeth

Buco, Thomas
Martin, James
Patten, Betsey

Chandler, Gene
McConkey, Mark
Philbrick, Donald

CHESHIRE

Butcher, Suzanne
Dexter, Judson
Espiefs, Peter
Mitchell, Bonnie
Pratt, John
Tilton, Anna

Butynski, William
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Richardson, Barbara
Weed, Charles

Chase, William
Eaton, Daniel
Hogancamp, Deborah
Pelkey, Stephen
Robertson, Timothy

Coates, Christopher
Emerson, Susan
Hunt, John
Plifka, Stanley Jr
Sawyer, Sheldon

COOS

King, Frederick
Theberge, Robert

Remick, William
Tholl, John Jr

Richardson, Herbert

Stohl, Eric

GRAFTON

Almy, Susan
Cooney, Mary
Harding, A Laurie
Mulholland, Catherine
Sorg, Gregory

Andersen, Gene
Eaton, Stephanie
Maybeck, Margie
Nordgren, Sharon
Williams, Burton

Benn, Bernard
Gionet, Edmond
McLeod, Martha
Sokol, Hilda

Bleyler, Ruth
Hammond, Lee
Mirski, Paul
Solomon, Peter

HILLSBOROUGH

Allan, Nelson
Batula, Peter
Biundo, Michael
Campbell, David
Christensen, D L Chris
Craig, James
Dokmo, Cynthia
Elliott, Nancy

Balboni, Michael
Beaulieu, Jane
Boehm, Ralph
Carlson, Donald
Christiansen, Lars
Daniuk, Caitlin
Drisko, Richard
Emerton, Larry

Baroody, Benjamin
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Clark, Mark
Desmarais, Vivian
Dyer, Donald
Essex, David

Barry, J Gail
Bergin, Peter
Calawa, Leon Jr
Chase, Claudia
Cote, Peter
DeVries, Betsi
Egbers, Fran
Gargasz, Carolyn

Ginsburg, Ruth
 Goyette, Peter Jr
 Harvey, Suzanne
 Hirschmann, Keith
 Jasper, Shawn
 Kurk, Neal
 Manney, Pamela
 Michon, Stephen
 O'Connell, Timothy
 Renzullo, Andrew
 Schulze, Joan
 Slocum, Lee
 Sullivan, Peter

Golding, William
 Graham, John
 Hawkins, Ken
 Holden, Randolph
 Jean, Claudette
 L'Heureux, Robert
 Martin, Mary Ellen
 Mooney, Maureen
 Ober, Lynne
 Rosenwald, Cindy
 Shattuck, Gilman
 Smith, David
 Ulery, Jordan

Goley, Jeffrey
 Haley, Robert
 Hellwig, Steve
 Infantine, William
 Johnson, Paula
 Lawrence, James
 McRae, Karen
 Movsesian, Lori
 Pilotte, Maurice
 Ross, Lawrence
 Shaw, Barbara
 Souza, Kathleen
 Villeneuve, Maurice

Gorman, Mary
 Hall, Betty
 Hinkle, Peyton
 Irwin, Anne-Marie
 Kopka, Angeline
 Lefebvre, Roland
 Mead, Robert
 O'Brien, William
 Price, Pamela
 Ryder, Donald
 Shaw, Kimberly
 Sullivan, Francis

MERRIMACK

Anderson, Eric
 Currier, David
 French, Barbara
 Hamm, Christine
 Langlais, Thomas
 McMahon, Patricia
 Ryan, Jim
 Walz, Mary Beth

Blanchard, Elizabeth
 DeJoie, John
 Gile, Mary
 Hess, David
 Lockwood, Priscilla
 Oliver, James
 Shurtleff, Stephen
 Williams, Robert

Bouchard, Candace
 DeStefano, Stephen
 Greco, Vincent
 Kidder, David
 MacKay, James
 Potter, Frances
 Soltani, Tony
 Yeaton, Charles

Clarke, Claire
 Field, William
 Hager, Elizabeth
 Klose, John
 Marple, Richard
 Rush, Deanna
 Tilton, Joy

ROCKINGHAM

Abbott, Dennis
 Bicknell, Elbert
 Cali-Pitts, Jacqueline
 Coburn, James
 Fesh, Bob
 Garrity, James
 Headd, James
 Johnson, Robert
 Major, Norman
 Nowe, Ronald
 Priestley, Anne
 Robinson, John
 Splaine, James
 Wells, Roger

Allen, Mary
 Bishop, Franklin
 Camm, Kevin
 Cooney, Richard
 Flanders, John Sr
 Gillick, Thomas
 Hughes, Daniel
 Katsakiores, George
 McKinney, Betsy
 O'Neil, Michael
 Quandt, Marshall Lee
 Rolston, James
 Stiles, Nancy
 Weyler, Kenneth

Belanger, Ronald
 Buxton, Donald
 Carson, Sharon
 Dowd, John
 Flockhart, Eileen
 Gould, Kenneth
 Hutchinson, Karen
 Katsakiores, Phyllis
 Moody, Marcia
 Packard, Sherman
 Quandt, Matthew
 Sanders, Elisabeth
 Weare, E Albert
 Winchell, George

Bettencourt, David
 Cady, Harriet
 Charron, Gene
 Dumaine, Dudley
 Francoeur, Sheila
 Griffin, Mary
 Ingram, Russell
 Langley, Jane
 Morris, Richard
 Powers, James
 Rausch, James
 Scamman, Stella
 Welch, David
 Zolla, William

STRAFFORD

Brown, Jennifer
 Chaplin, Duncan
 Hofemann, Roland
 Keans, Sandra
 Schmidt, Peter
 Twombly, James

Brown, Julie
 Cille, Jacalyn
 Hollinger, Jeffrey
 Knowles, William
 Smith, Marjorie
 Wall, Janet

Brown, Lawrence
 Dunlap, Patricia
 Johnson, Nancy
 Newton, Clifford
 Spang, Judith

Cataldo, Sam
 Easson, Timothy
 Kaen, Naida
 Rollo, Michael
 Taylor, Kathleen

SULLIVAN

Cloutier, John
 Franklin, Peter
 Osgood, Philip Sr

Converse, Larry
 Gale, Harry
 Phinizy, James

Donovan, Thomas
 Houde-Quimby, Charlotte
 Rodeschin, Beverly

Ferland, Brenda
 Jillette, Arthur Jr

NAYS 17 BELKNAP

CARROLL

Boyce, Laurie

None

CHESHIRE

None

COOS

Merrick, Scott

GRAFTON

Aguiar, James

HILLSBOROUGHAdams, Jarvis IV
Vaillancourt, SteveCrane, Elenore Casey
Wheeler, James

Matarazzo, Anthony Sr

Rowe, Robert

MERRIMACK

Kennedy, Richard

Tupper, Frank

ROCKINGHAMAsselin, Michael
Palazzo, Frank

Brown, C. Pennington

DiFruscia, Anthony

Hopfgarten, Paul

STRAFFORD

Bickford, David

SULLIVAN

None

and the ruling of the Chair was upheld.

Reps. Merrick and Tupper voted Nay and intended to vote Yea.

The question now being adoption of the committee report.

Committee report adopted and ordered to third reading.

SB 103-FN-A-L, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judith T. Spang for Resources, Recreation and Development: This bill, as amended, would address a serious problem that the legislature has been unable to solve to date. The fund that pays for maintenance of state-owned dams is inadequate, and a funding mechanism has yet to be enacted. An ongoing source must be found by this commission. In the meantime, this bill would appropriate funds for maintaining the most critical dams. The amendment also calls for a management plan of the new Berlin park, as previously endorsed by the House. Vote 15-1.

Amendment (1882h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund and requiring the department of resources and economic development to submit a management and financial plan to the general court and the public prior to the opening of the Berlin regional ATV park.

Amend the bill by replacing all after section 5 with the following:

6 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of environmental services dam maintenance fund, established under RSA 482:55, for the fiscal year ending June 30, 2007. This sum is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

7 New Subdivision; Off Highway Recreational Vehicles; State Park in Berlin. Amend RSA 215A by inserting after section 44 the following new subdivision:

Park Management Plan

215-A:45 State Park in Berlin; Park Management and Financial Plan.

I. Prior to the formal opening of the park in the city of Berlin to ATV use, the commissioner of the department of resources and economic development shall develop a management and financial plan and shall present the plan to the public and the general court. The plan shall include, but not be limited to:

(a) Existing land uses, including acreage, park boundaries, trails, facilities, recreational areas, and natural areas.

(b) Proposed park land uses, including extent and location of trails by user type, facilities for visitors and park management, non-trail recreational resources, natural areas and their management, and buffer areas.

(c) Proposed improvements and estimated phasing schedule, including improvements to be made prior to opening of the park.

(d) Provisions for enforcement of OHRV regulations and for emergency response, including memoranda of understanding with state agencies, municipalities, and other groups.

(e) A financial plan, including proposed expenditures and sources of revenues.

II. In accordance with RSA 215-A:41, II(f), the plan shall be presented at a public hearing advertised in a newspaper of statewide circulation. Prior to this hearing, the plan shall be presented to appropriate legislative committees and to the governor.

III. An annual report shall be presented to the speaker of the house of representatives, the senate president, the house resources, recreation and development committee, the senate environment and wildlife committee, and the governor by January 15 of each year. The report shall include:

(a) Development completed within the park.

(b) Projected development for the coming year.

(c) A financial report on revenues and expenditures for the past year and projections for the next 5 years.

(d) The number of visitors and report of enforcement and emergency activity in the park.

(e) Marketing of the park.

8 Effective Date.

I. Section 6 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study alternatives for funding the operation and maintenance of state owned dams. This bill also makes an appropriation to the department of environmental services dam maintenance fund.

This bill requires the department of resources and economic development to submit a plan to the general court and the public prior to the opening of the Berlin regional ATV park.

Rep. Currier spoke in favor.

Amendment adopted.

Rep. O'Neil offered floor amendment (2050h).

Floor Amendment (2050h)

Amend the bill by replacing section 6 with the following:

6 Appropriation. The sum of \$1 is hereby appropriated to the department of environmental services dam maintenance fund, established under RSA 482:55, for the fiscal year ending June 30, 2007. This sum is in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Floor amendment (2050h) adopted.

Committee report adopted and ordered to third reading.

SB 314-FN-L, establishing minimum renewable standards for energy portfolios. INEXPEDIENT TO LEGISLATE.

Rep. Roy D. Maxfield for Science, Technology and Energy: The bill establishes standards requiring the use of renewable energy resources by providers of electricity for sale to retail customers in New Hampshire. Our current energy policy supports the voluntary production and retail use of renewable energy. Several states have adopted mandatory renewable energy standards for renewable generation through energy certificates. The money to provide incentives for renewable generation was removed by the Senate. The majority of the committee was not comfortable with cost/benefit models or various classes of renewable energy as they apply to New Hampshire. The committee voted to ITL the bill and defer to HB 1146 that would study these issues before making recommendations. Vote 13-3.

Rep. Ross spoke in favor.

Committee report adopted.

SB 341, extending by one year the advisory-only period for OBD II testing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen H. Nedeau for Transportation: This bill was amended from a one year extension of the enforcement of repairs on OBD II to a phase in. Starting December 1, 2006 all 2002 or newer cars will be required to fix an OBD II failure. Starting July 1, 2007, all cars from 1996 up will be required to repair an OBD II failure. If by July 1, 2007 an exemption program has not been developed and approved by the OBD II Advisory Committee, section II of this bill, will not take effect. Vote 10-0.

Amendment (1872h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the applicability of OBD II testing requirements.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Department of Safety; Duties of Commissioner; Repair Waiver Program. Amend RSA 21-P:4 by inserting after paragraph XII the following new paragraph:

XIII. Establish a program to waive the repair requirements of the OBD II testing program. Waivers shall be granted based on indigency or other urgent financial need. The waiver program required by this paragraph shall be consistent with the recommendations of the OBD II testing advisory committee established in RSA 266:59-b, VII and shall be implemented no later than February 1, 2007.

2 OBD II Testing; Applicability. Amend 2005, 296:4 to read as follows:

296:4 OBD II Testing; Applicability. Notwithstanding RSA 266:59-b, any EPA OBD II testing required by department of safety rules prior to ~~[May]~~ **December 1, 2006** shall be advisory only. No inspection station shall deny an inspection sticker to any *model year 2002 or newer* vehicle because of OBD II failure prior to ~~[May]~~ **December 1, 2006**. *No inspection station shall deny an inspection sticker to any model year 1996 through 2001 vehicle because of OBD II failure, except that a sticker may be denied to such vehicle after July 1, 2007 if the department has implemented a repair waiver program.*

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of safety to implement an OBD II repair waiver program by February 1, 2007. This bill also modifies the applicability of the OBD II inspection failure requirement.

Amendment adopted.

Committee report adopted ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 4, 2006 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

SB 334, authorizing the use of a credit freeze as a means of deterring identity theft.

SB 369, relative to portability, availability, and renewability of health coverage.

SB 403, relative to verification of identity when a person registers or attempts to vote.

SB 255, establishing a committee to study the funding necessary to operate the hazardous materials program in New Hampshire.

SB 352-FN, relative to the regulation of real estate appraisers.

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

SB 336, relative to security deposits in landlord tenant matters.

SB 265, relative to workers' compensation requirements for out-of-state employers and employees.

SB 273, relative to reasonable accommodations for employees with disabilities.

SB 335, relative to funds of the department of resources and economic development used for snowmobile trail grooming equipment.

SB 244, relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services.

SB 389, establishing a committee to study energy efficiency programs funded by the system benefits charge.

SB 221, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll.

SB 282-FN-L, relative to removal of abandoned vehicles.

SB 325, making technical corrections and other changes to motor vehicle laws.

SB 323, establishing a legislative youth advisory council.

SB 370-FN, relative to multidisciplinary child protection teams.

SB 382, relative to the guardian ad litem board.

SB 394, establishing the Trust Modernization and Competitiveness Act.

SB 318-FN, relative to the use of deadly force to protect oneself.

SB 348, prohibiting the taking of arms and ammunition in a declared state of emergency.

SB 388, relative to farm composting and pesticides.

SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system.

SB 287-FN, making certain changes to the eminent domain statute.

SB 190-L, establishing a committee to study including workforce housing in zoning ordinances.

SB 319, establishing a task force to study county government.

SB 386, relative to large groundwater withdrawals.

SB 250, relative to lead paint poisoning prevention.

SB 24, relative to disposition upon death of patient accounts in nursing homes.

SB 103-FN-A-L, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund.

SB 341, extending by one year the advisory-only period for OBD II testing.

UNANIMOUS CONSENT

Reps. Bicknell, Soltani and Kennedy addressed the House.

Rep. Ober requested that the remarks of Rep. Bicknell be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Bicknell: Thank you, Mr. Speaker, thank you, very much. Ladies and Gentlemen, I just want to stand here before you now and see if I can get through this. I want to say goodbye to you. I stand before you now with a sense of great trepidation and, I might add, a lot of emotion. This is because as of Thursday noon, the 27th of April of this year, I will be resigning my seat from the House of the people's General Court.

As I stand here now, I recall that first day, some four years ago. I sat where you are now sitting. Then as the Speaker introduced our chaplain, we stood and the chaplain proceeded to ask Almighty God to watch over our deliberations and to grant us the wisdom of Solomon to do what was right for the citizens of New Hampshire. As we stood erect with our hands above our heart, we saluted our flag and I was filled with pride as the beautiful voice of Lisa Itse sang "The National Anthem." I had tears in my eyes then and a large lump in my throat when it was over, just as I did this morning as I listened to the voice of the young vocalist singing our national anthem. Those same emotions have come over me each and every day that the Speaker has called the House to order over these past four years.

Those feelings, those emotions, all had a beginning back in the year of 1953 when I stood before a young lieutenant in Manchester, New Hampshire as I swore allegiance to the Constitution of the United States of America for the very first time as I was inducted into the armed forces. My friends and colleagues, I remember those moments well and will always. Just as I will remember the handshakes and the hugs and occasional kiss on the cheek from you today.

I stand here now for the last time in the well of this great chamber. I will be leaving New Hampshire to pursue a new path in the journey called life with my advisor, my partner, and my wife, Cindy. We are leaving New Hampshire to live in Arizona and to start a new life or a new adventure, if you will, called retirement. Some of you here have already done that. I have and I'm going to try again in Arizona.

I had always resisted jumping into this political thing, thinking I was not cut out for it. I had always felt I was too outspoken and I'm sure some of you still feel that way. I was too set in my way of thinking. I was too opinionated to ever be able to compromise. In fact, as you all know, "politics is the art of compromise," but to me compromising always meant losing. However, you, each and every one of you, have taught me the true meaning of compromise.

Throughout my two terms in the House and the various committees that I have been honored to serve on, I have been given many pieces of advice from many of you on both sides of the aisle. You have taught me no one really loses in a compromise. It is usually a win-win situation. You have taught me also, that no one person has all the answers.

Members, such as Chairman Welch, have advised me over the years that "half a loaf is better than no loaf at all." Others, such as Representative Tholl, Rep. Stevens, have shown me that the first question that a committee member should ask, at least to himself or herself is, "What problem does this bill fix or is it, in fact, adding to the problem that we already have?" In other words, as my Honorable colleague, Representative Bill Knowles would say, "If it ain't broke, don't fix it."

In other words, you see, members of this august body with patience, determination, and I might add, with some tenacity on your part, you have taught me if one wants a bill to be ITL'd or passed, that a team effort is needed. You have shown me that when we learn to compromise to get that half a loaf rather than risk losing it all, it makes us a better legislator and in turn it makes for a better New Hampshire. Now this is true, this art of compromising, until it comes to one's integrity. That, ladies and gentlemen, should never be compromised.

During my tenure here, I have become friends with many of you, and that's what's going to be so darn hard leaving this hall. I don't care whether you are Republican, Democrat, Libertarian, Socialist, Conservative, whatever one calls you, whatever you call yourself. Some I don't know as well as others and that is my personal loss. But I have found that for the most part, the common thread that binds us all in this body is to give our constituents the best that we can. We are not really that far apart in a lot of things. And I've got to be honest with you, some things we're worlds apart. But you know we can come closer than even we realize at this time.

I would like now, as a conservative, a person who is a great believer in our constitutions, to impart a piece of advice back to the members of the House, if I may, Mr. Speaker. I would hope that these words do not offend anyone in this House, but rather give counsel to the members of this great chamber.

I have over the years seen a rift growing between the Executive Branch, the General Court and the Judicial Branch of our government. Let me use the words of one of our Founding Fathers, Thomas Jefferson, when he said, in part: "My construction of the Constitution is that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially, where it is to act ultimately and without appeal." And on another matter, a matter that is dear to me as my own life, I quote from a gentlemen by the name of L. Neil Smith. He advises us, and I'm quoting, "People who object to weapons aren't abolishing violence, they're begging for rule by brute force, where the biggest, strongest animals among men were always automatically 'right.' Guns ended that, and social democracy is a hollow farce without an armed populace to make it work." Or in closing, the words of Richard Henry Lee, and I quote again, "To preserve liberty it is essential that the whole body of people always possess arms." These are some of the words that I would leave with all the members of the New Hampshire General Court to consider. Mr. Speaker, I now end this part of my experiment in life's journey, as I ask the members of this honorable House to keep this in mind: that good law under a free government should be the desire of us all as you continue to work to keep New Hampshire the freest of all states.

Mr. Speaker, I now bid you all a fond and a grateful farewell. I have learned a lot. You have taught an old dog some new tricks. I know that wherever I go, I shall think back on the memories and friendships that have bonded me to this great chamber and its members. I will miss you all. May God Bless you.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, and receiving Senate messages only.
Adopted.

The House recessed at 4:35 p.m.

RECESS

(Rep. Lars Christiansen in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill number 1420 and Senate Bill number 357.

Rep. Weyler, Sen. D'Allesandro for the Committee

RECESS

(Deputy Speaker Weyler in the Chair)

ENROLLED BILL AMENDMENTS

SB 233, relative to motorcycle rider education. (Amendment printed SJ 05/11/06)
Adopted.

SB 249, allowing a master electrician to have 2 apprentice electricians under his or her supervision and relative to examinations of electricians by the electricians' board. (Amendment printed SJ 05/11/06)
Adopted.

SB 342, relative to the treatment of glaucoma by optometrists. (Amendment printed SJ 05/11/06)
Adopted.

RECESS

(Rep. Patricia McMahon in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 391, 599, 1108, 1111, 1155, 1172, 1174, 1228, 1294, 1307, 1320, 1349, 1394, 1652, 1673, 1709, 1738, 1749 and 1754, House Joint Resolutions numbered 22 and 25 and Senate Bills numbered 234, 254, 260 and 404.

Rep. Currier, Sen. Clegg for the Committee

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 16

Thursday, May 4, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

It's so easy these days, O God, to become overwhelmed. We labor under the daily burden of heavy headlines and global hardships. The world can be a cynical place, sometimes vitriolic place, for us as much as for those we serve. Help us remember that You have afforded us the opportunity and the power to counteract the negative influences of our day. You have given us the power to bless, to uplift and to set in order that which would otherwise be chaos.

As we deliberate today, on issues ranging from R and D credits to school voucher plans, instill in us not only the power to bless those we serve, but the desire. May our work today be a blessing to all those whom we are privileged to represent from all walks and stations of life, whatever they may be. Heal and uplift any in this legislative body who may be ill or in some kind of distress today. All this we pray in Your Holy Name. Amen.

Reps. Kathleen and Katherine Taylor, members from Dover, led the Pledge of Allegiance.

The National Anthem was sung by Rachael Buchanan, Anna McConville, Amanda Oaks and Lilly Noble, students from Woodsville High School.

LEAVES OF ABSENCE

Reps. Albert, Chabot, Stephanie Eaton, Hunter, Lefebvre, Putnam and Snyder, the day, illness. Reps. Abbott, Nelson Allan, Bergin, Charron, Richard Cooney, Greco, Hogancamp, Hutchinson, Introne, Kobel, Lessard, Morneau, Pepino, Rausch, Reeves, Sanders, Serlin and Wiley, the day, important business.

Reps. MaryAnn Blanchard and Mark Clark, the day, illness in the family.

INTRODUCTION OF GUESTS

Honorable Eva M. Lawrence, Marion Current, Norman Lawrence, Jr., Kim, Mark, Amy and Ruth Lawrence, Helen Bethel, Jason, Mary, Holly and Thomas Sullivan, Christine, Cameron and Hannah Collins and Paul Jacques, guests of the House. Doris Gordon and Susan Walsdorf, mother and guest of Rep. Rosenwald. Mariah Jean, guest of Rep. Crane. Nicholas Sanches, guest of Reps. Mooney and Kennedy. Betsy Woodman, guest of Rep. Danforth. Brenda Cameron and Honorable Phyllis Woods, guests of Rep. Boyce. Cherrie Wilabee, guest of Rep. Owen. Erica Schmidt and Nathan Sugarman-Castle, guests of Rep. Ryan.

Courtney Jameson and Kimberly Thatcher, students from Souhegan High School in Amherst, Pages for the Day.

INTRODUCTION OF SPECIAL GUESTS

Dr. Niteen Gadkari, Dr. Anjali Deshpande, Prachi Pathak, Gurpreet Kaur and Sushil Pardeshi, members of the 2006 Rotary International India Exchange Team, accompanied by Peter Millham and Jeanne Petrin, guests of the House. Manchester Central High School Boys Basketball Team, the 2006 Class L State Champions, Tyler Roche, Joseph Freneau, Bryan Tracy, Max Stisser, Tim Field, Chris Taylor, Josh Last, William Statoris, Will Brooks, Justin Martel, George McClellan, P.J. Sinclair, Will Bayliss, Michael Stys and Matt Merritte, accompanied by Head Coach David Wheeler, guests of the House.

COMMUNICATION

April 26, 2006

Honorable W. Douglas Scamman
Speaker of the House

It is with deep regret that I ask the New Hampshire House to accept my resignation effective noon, Thursday, 27 April, 2006.

I have been honored to serve my constituents in this great and dignified House of the people. It has been my honor to be part of some very significant bills that were before us during my four years of service. Some bills made it into law, some did not, but in all cases I believe the people of this state were well represented. I will take with me all that I have learned from my fellow legislators and hope to use it in my new home in Arizona.

Thank you for your leadership and may this House continue in its fight for the betterment of New Hampshire.

Elbert I. Bicknell
Rockingham County, District 1

The Speaker accepted the resignation, with regret.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1419-FN, relative to mediation in divorce proceedings. (Amendment printed SJ 04/20/06)
Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 716-FN, relative to securities regulation. (Amendment printed SJ 04/20/06)
Rep. Sheila Francoeur moved that the House concur and spoke in favor.
Adopted.

HB 1660-FN, regulating identity theft. (Amendment printed SJ 04/13/06)
Reps. Sheila Francoeur and Welch moved that the House concur.
Rep. Sheila Francoeur spoke in favor.
Adopted.

HB 221, relative to eligibility for absentee ballots. (Amendment printed SJ 04/13/06)
Rep. Whalley moved that the House concur and spoke in favor.
Adopted.

HB 1182-FN, relative to the limited commercial lobster license fees. (Amendment printed SJ 04/20/06)
Rep. Robert L'Heureux moved that the House concur and spoke in favor.
Adopted.

HB 1681-FN, establishing the unused prescription drug program. (Amendment printed SJ 04/20/06)
Rep. Batula moved that the House concur and spoke in favor.
Adopted.

HB 1727-FN-L, relative to transfer or discharge of patients or residents in licensed facilities. (Amendment printed SJ 04/20/06)
Rep. MacKay moved that the House concur and spoke in favor.
Adopted.

HB 1688, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. (Amendment printed SJ 04/13/06)
Rep. Merrow moved that the House concur and spoke in favor.
Adopted.

HB 718-FN-A, relative to a state active duty death benefit for activated members of the New Hampshire National Guard and making an appropriation therefor. (Amendment printed SJ 04/06/06)
Reps. Coughlin and King moved that the House concur.
Rep. Coughlin spoke in favor.
Adopted.

HB 1243-FN, reducing certain fines for motor vehicle violations. (Amendment printed SJ 04/13/06)
Rep. Major moved that the House concur and spoke in favor.
Adopted.

COMMITTEE REPORTS CONSENT CALENDAR

Rep. O'Neil moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 371-FN, relative to the continuation of certain wetlands fees, removed by Rep. Hellwig. Consent Calendar adopted.

SB 304, relative to provider payments negotiated by the commissioner of the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Jane Wallner for Finance: The committee did not feel the bill was needed at this time. The Department of Health and Human Services has not paid provider rates higher than negotiated and has not created a waiting list in order to lapse funds. Vote 15-0.

SB 374-FN, relative to the state children's health insurance program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Neal M. Kurk for Finance: This bill, as passed by the House, requires the Department of Health and Human Services to expend the funds appropriated for the state children's health insurance program for that purpose and not to transfer or expend the funds on any other program. The committee amendment clarifies that commitment, adding that (1) for fiscal year 2007, savings from elsewhere in the department and non-lapsing funds previously dedicated to S-CHIP must be used to provide coverage in the event that the number of children in the Silver Program and the cost of their coverage exceeds budget estimates, and (2) for fiscal year 2006, up to \$100,000 of excess premiums that would normally be returned to the department may be retained by Healthy Kids Corporation, which administers the S-CHIP program, to offset a portion of the cost of higher-than-budgeted numbers of children who were insured for that year. The amendment also makes Healthy Kids the sole source provider of children's insurance for the rest of the biennium. Vote 19-0.

Amendment (2028h)

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to ensure the best and highest utilization of the state children's health insurance program resources for the benefit of the children of New Hampshire. It is the intent of the general court that every eligible child be given the opportunity to fully utilize the benefits of this program in order to promote the health and well being of our youngest citizens.

2 Department of Health and Human Services; Healthy Kids Silver Program; Fiscal Committee Approval Required for Expenditures Above Budgeted Amounts. Amend 2005, 117:119 to read as follows:

177:119 Department of Health and Human Services; Healthy Kids Silver Program; Cap. Notwithstanding any other provision of law, for the biennium ~~[beginning July 1, 2005 and continuing thereafter]~~ **ending June 30, 2007**, the department of health and human services shall not increase expenditures in approved budgets for the Healthy Kids Silver Program without prior approval ~~[and additional appropriations from]~~ **of the fiscal committee of the general court. If expenditures for the Healthy Kids Silver Program will exceed the department's current appropriation for the Healthy Kids Silver Program, the commissioner shall recommend that savings found elsewhere in the department be used to offset the amount of any such deficit. The commissioner shall submit to the fiscal committee of the general court and to the finance committees of the house and the senate any such proposed changes, which shall be subject to the prior approval of the fiscal committee of the general court.**

3 Healthy Kids Corporation; State Children's Health Insurance Program; Appropriation. Notwithstanding any other law, the entire amount appropriated in PAU 05-01-02-01-05, class 91, for the biennium ending June 30, 2007 shall be expended for program and administrative costs of the Healthy Kids Silver Program. All premiums accrued and collected from families shall be applied to the program costs. This appropriation shall not be transferred or used for any other purpose and shall not lapse.

4 New Paragraph; State Children's Health Insurance Program. Amend RSA 126-A:5 by inserting after paragraph XIII the following new paragraph:

XIV.(a) Notwithstanding any provision of law to the contrary, beginning July 1, 2007, the commissioner shall implement the state children's health insurance program through a contract, which shall be renewed biennially. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, to the extent necessary to facilitate the purposes of this paragraph.

(b) The contract shall include the following information, which the commissioner shall submit to the legislature by March 1 of each odd-numbered year for inclusion in the state's biennial operating budget:

(1) The per-member per-month rate for the health and dental insurance to be paid according to the contract; and

(2) Any other costs associated with the contract that will impact the state operating budget.

(c) Notwithstanding any provision of law to the contrary, the commissioner, in consultation with the commissioner of administrative services, may implement a self-insured health plan for children who receive health insurance coverage under the state children's health insurance program.

5 **Healthy Kids Corporation.** Notwithstanding RSA 126-A:5, XIV, as inserted by section 4 of this act, or any other provision of law to the contrary, the commissioner shall use the healthy kids corporation as the sole source provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities (MEAD) program until July 1, 2007. As part of the premium reconciliation process, the commissioner may allow the healthy kids corporation to retain up to the sum of \$100,000 for fiscal year 2006.

6 **Effective Date.** This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill:

I. Requires fiscal committee approval for expenditures above budgeted amounts for the Health Kids Silver Program.

II. Requires the department of health and human services to implement the state children's health insurance program through a contract.

III. Requires use of the healthy kids corporation as the sole provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities program until July 1, 2007.

SB 200-FN, establishing the uniform athlete agents act. **OUGHT TO PASS WITH AMENDMENT.** Rep. Susan W. Almy for Ways and Means: This bill registers and regulates agents for student athletes. The committee amendment reduces the registration fees to a level amount, approximating the cost of the activity to the state, in order not to deter agents from coming in to New Hampshire. The \$25,000 maximum fine for misbehavior stays in place. The effective date is updated to January 1, 2007. Vote 15-0.

Amendment (1977h)

Amend RSA 332-J:8 as inserted by section 1 of the bill by replacing it with the following:

332-J:8 Fees. An application for registration or renewal of registration shall be accompanied by a fee payable to the secretary of state in the following amount:

I. \$100 for an initial application for registration.

II. \$100 for an application for registration based upon a certificate of registration or licensure issued by another state.

III. \$50 for an application for renewal of registration.

IV. \$50 for an application for renewal of registration based upon an application for renewal of registration or licensure submitted in another state.

Amend the bill by replacing section 2 with the following:

2 **Effective Date.** This act shall take effect January 1, 2007.

SB 225-FN-A, relative to horse and dog racing. **OUGHT TO PASS.**

Rep. John M. Pratt for Ways and Means: Under current law, dog and horse tracks are required to operate live races at their tracks for 100 racing days in a calendar year in order to be able to sell pari-mutuel pools on races held at other tracks (i.e. simulcast racing). This bill reduces that number of live racing days to a minimum of 50 calendar days in a calendar year, in order to allow the tracks to continue simulcasting. Vote 16-0.

SB 295-FN, relative to registration of business entities. **OUGHT TO PASS WITH AMENDMENT.** Rep. Priscilla P. Lockwood for Ways and Means: This is a second committee bill, originally in the Commerce Committee that makes a variety of changes to laws relating to the registration and dissolution of certain business entities and raises certain fees making them consistent with other fees. This bill was at the request of the Secretary of State. Vote 18-0.

Amendment (1942h)

Amend RSA 304-C:81, I(d) as inserted by section 14 of the bill by replacing it with the following:

(d) Upon receipt for filing of an annual report under RSA 304-C:80, a fee in the amount of \$100; for failure or refusal to file an annual report or pay the filing fee on or before April 1 of any year, an additional late filing fee in the amount of [~~\$25 per month~~] **\$50**; [~~and~~] upon receipt for filing of an application for reinstatement pursuant to RSA 304-C:54, a fee of \$135; **and upon receipt for filing of an application for late reinstatement pursuant to RSA 304-C:54-a, a fee of \$500.**

SB 363-FN-A-L, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan W. Almy for Ways and Means: Congress is working on how much of our state communication services tax it will forbid, because the communication it taxes is done over the Internet. A major piece of our revenues depend on this tax. Although the federal situation changes frequently, there is a federal deadline in the fall of 2007, so we will need to submit and pass legislation to recognize and mitigate the loss next year. It is likely to require further monitoring after 2007. The committee amendment turns the Senate study committee into an on-going commission with Public Utilities Commission, Revenue Administration, and gubernatorial representation, sunsets this in 5 years, and strips out a remnant of the original bill, which the Commissioner of Revenue Administration and the original sponsor agreed is no longer necessary. Vote 18-0.

Amendment (1807h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Communications Services Tax; Oversight Commission. Amend RSA 82-A by inserting after section 16-a the following new section:

82-A:16-b Oversight Commission.

I. There is established an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services taxes as required by the Internet Tax Nondiscrimination Act, Public Law 108-435.

II.(a) The members of the oversight commission shall be as follows:

(1) Two members of the senate, appointed by the president of the senate.

(2) Three members of the house, 2 of whom shall be from the ways and means committee and one of whom shall be from the science, technology and energy committee, appointed by the speaker of the house of representatives.

(3) Two representatives of the governor, who shall serve 2-year terms, appointed by the governor.

(4) The commissioner of revenue administration, or designee.

(5) One representative of the public utilities commission, appointed by the chairman of the public utilities commission.

(b) Legislative members of the oversight commission shall receive mileage at the legislative rate when attending to the duties of the oversight commission. The terms of legislative members of the commission shall be coterminous with their terms of office.

III. The oversight commission shall:

(a) Study and determine the effect of ceasing the collection of Internet-related communications services taxes as required by the Internet Tax Nondiscrimination Act, Public Law 108-435.

(b) Monitor and study the activities of the Judiciary Committee of the United States House of Representatives in reference to Public Law 108-435.

(c) Any other matters deemed relevant by the commission.

IV. The members of the oversight commission shall elect a chairperson from among the members. The first meeting of the oversight commission shall be called by the first-named senate member. The first meeting of the oversight commission shall be held within 45 days of the effective date of this section. Five members of the oversight commission shall constitute a quorum.

V. The oversight commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library annually on or before November 1.

2 Repeal. RSA 82-A:16-b, relative to an oversight commission, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2011.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes an oversight commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

SB 384-FN-A-L, establishing a temporary one-time exemption from the real estate transfer tax for certain transfer of family farm or open space land. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin L. Camm for Ways and Means: This bill would establish a one time transfer of "current use" real estate into an LLC or other entity without paying the real estate transfer tax. Large landowners testified in favor of this proposal so that they may protect their personal assets in the event of a lawsuit that results from an injury sustained upon their property. While the committee acknowledges that the state benefits tremendously from public use of private lands as well as the current use program, we felt this measure would not afford the protection envisioned by the sponsors and landowners. The Attorney General's office testified that immunity already exists to landowners that open their property to the public. There is also additional state coverage for designated snowmobile trails on private property. No testimony was received that described any evidence of a bona-fide problem with the current system. The majority of the committee felt that any landowner who wants to transfer their "current use" property to an LLC or other entity to protect other family assets, should do so at the same expense as anyone else. Hopefully, a policy change will be developed to expand our system of immunity for all landowners and make a proposal such as this unnecessary. Vote 20-1.

SB 397-FN-A, establishing a temporary energy tax credit against the business enterprise tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin L. Camm for Ways and Means: This bill would establish an energy tax credit against the business profits tax. This credit would be up to \$500 per business and would cost the state approximately \$18,000,000. The sponsor testified that the purpose of the bill was to return some of the surplus back to the entities that paid it. While we commend the initiative, we now know the surplus is minimal and shrinking daily. The sponsor agreed and suggested that we use this bill to evaluate a possible reduction in the business taxes. We rejected that for the same reasons. The committee determined that the best avenue for that endeavor would be a new bill in the next session. Vote 19-0.

REGULAR CALENDAR

SB 22, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy E. Easson for the Majority of Education: The sponsor asked that this bill be defeated. There were some proposed non-germane amendments that were given hearings, but they were all defeated by the committee. Thus, we are left with the original bill the sponsor wished to be defeated. Vote 11-2.

Rep. Emma L. Rous for the Minority of Education: By supporting the minority amendment the New Hampshire House sends a message to Washington that No Child Left Behind is an unfunded mandate that violates the Tenth Amendment of the U.S. Constitution by assuming powers that belong to the states. While NCLB's goal of raising achievement is admirable and New Hampshire has done an excellent job of implementing the program, it is the duty of state legislatures to press for reforms in an educationally and constitutionally flawed program before it comes up for reauthorization in 2007. Reps. Rous and Kurk spoke against.

On a division vote, 156 members having voted in the affirmative, and 171 in the negative, the majority committee report failed.

Rep. Kurk moved Ought to Pass and offered floor amendment (2176h).

Floor Amendment (2176h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the election of teachers and relative to certain teacher certification requirements.

Amend the bill by replacing all after the enacting clause with the following:

I Statement of Purpose. The legislature supports the goals and objectives of the federal No Child Left Behind Act and supports continued dialogue to improve the Act for reauthorization in 2007 but finds that:

I. The Act currently provides insufficient flexibility for the state to improve its students academic achievement as required by the Act.

II. The Act mandates services and programs that, under its terms, should be funded by the federal government but the federal government has not provided the full measure of such funding.

III. The Act mandates a costly sequence of intervention services without fully providing for corresponding federal funding.

IV. The Act mandates participation by placing punitive financial consequences on states refusing to participate, in violation of the Tenth Amendment of the Constitution of the United States, diverts funds from existing programs, and fails to fund the program at the level promised and required.

V. Any waivers granted by the Secretary of the United States Department of Education with respect to the provisions of the Act should be uniform, transparent, deliberate, and prompt, such that any exceptions to federal rules granted to one state should be available equally to all states where similar circumstances exist.

2 Teachers; Election and Exemption. RSA 189:39 is repealed and reenacted to read as follows:

189:39 Election and Exemption. Superintendents shall nominate and school boards shall elect all teachers employed in schools in their school administrative unit, providing such teachers hold a valid educational credential issued by the state board of education.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill redesignates the provision on how teachers are chosen.

Reps. Kurk and Rous spoke in favor.

Reps. Carter, Stiles and Lary spoke against.

LAID ON THE TABLE

Rep. O'Neil moved that **SB 22**, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001, be laid on the table.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 188 NAYS 150

YEAS 188**BELKNAP**

Allen, Janet
Flanders, Donald
Russell, David
Veazey, John

Boyce, Laurie
Heald, Bruce
Thomas, John
Wendelboe, Fran

Clark, Charles
Millham, Alida
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Nedeau, Stephen
Tobin, William

CARROLL

Ahlgren, Christopher
Martin, James
Patten, Betsey

Babson, David Jr
McConkey, Mark
Philbrick, Donald

Brown, Carolyn
Morrow, Harry
Stevens, Stanley

Chandler, Gene
Olimpio, J Lisbeth

CHESHIRE

Butcher, Suzanne
Hunt, John

Dunn, J Timothy
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

COOS

King, Frederick	Lary, Bruce	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Dorsett, Andrew	Gionet, Edmond	Maybeck, Margie	Sorg, Gregory
Ward, John			

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Carlson, Donald
Carter, Mark	Christensen, D L Chris	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Emerton, Larry
Francoeur, Bea	Gargas, Carolyn	Golding, William	Gonzalez, Carlos
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hansen, Ryan
Hawkins, Ken	Holden, Randolph	Infantine, William	Jasper, Shawn
Jean, Claudette	L'Heureux, Robert	Lawrence, James	Manney, Pamela
McRae, Karen	Mead, Robert	Mooney, Maureen	Moran, Edward
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Shaw, Kimberly
Slocum, Lee	Souza, Kathleen	Sullivan, Peter	Tahir, Saghir
Uler, Jordan	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Field, William
Hager, Elizabeth	Kidder, David	Klose, John	L'Heureux, Stephen
Langlais, Thomas	Lockwood, Priscilla	MacKay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Reardon, Tara	Reed, Dennis
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bridle, Russell
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Coburn, James	Dalrymple, Janeen	Donahue, Richard Ken	Dowd, John
Dowling, Patricia	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gilbert, Karl	Gillick, Thomas
Gould, Kenneth	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Ingram, Russell	Itse, Daniel	Katsakiores, George
Katsakiores, Phyllis	Langley, Jane	Lund, Howie	Major, Norman
Mason, April	McMahon, Charles	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Palazzo, Frank	Parker, Benjamin
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Scamman, Stella	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Weldy, Norman	Wells, Roger
Weyler, Kenneth	Winchell, George	Zolla, William	

STRAFFORD

Bickford, David	Brown, Julie	Campbell, W Packy	Cataldo, Sam
Chaplin, Duncan	Dunlap, Patricia	Hollinger, Jeffrey	Keans, Sandra
Newton, Clifford	Twombly, James		

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 150**BELKNAP**

Morrison, Gail	Pilliod, James	Rosen, Ralph
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CARROLL

Buco, Thomas	Dickinson, Howard	Knox, J David
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CHESHIRE

Allen, Peter	Butynski, William	Chase, William	Dexter, Judson
Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Mears, Edgar	Merrick, Scott
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GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Williams, Burton		

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Boehm, Ralph	Chase, Claudia
Christiansen, Lars	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	DeVries, Betsi	Dyer, Donald	Egbers, Fran
Essex, David	Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey
Haley, Robert	Hall, Betty	Harvey, Suzanne	Hellwig, Steve
Hinkle, Peyton	Irwin, Anne-Marie	Judy, Jean	Johnson, Paula
Kopka, Angeline	Kurk, Neal	Lasky, Bette	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Michon, Stephen	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Ross, Lawrence
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Smith, David
Stepanek, Stephen	Sullivan, Francis	Vaillancourt, Steve	

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kennedy, Richard	McMahon, Patricia
Osborne, Jessie	Owen, Derek	Potter, Frances	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Asselin, Michael	Bishop, Franklin	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	DiFruscia, Anthony	Flockhart, Eileen	Johnson, Robert
McKinney, Betsy	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Robinson, John	Splaine, James	

STRAFFORD

Barube, Roger	Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Goodwin, Earle	Grassie, Anne
Heon, Richard	Hofemann, Roland	Johnson, Nancy	Kaen, Naida
Knowles, William	Miller, Joseph	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Katherine
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinzy, James

Prichard, Stephen
and the motion was adopted.

REGULAR CALENDAR (CONT'D.)

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Robert L. Wheeler for Finance: The committee recognized the value of the policy to establish the position of an administrator of women offenders and family services. Since this policy had received favor from both the Senate and the House and since the appropriation will be covered by departmental transfer, and no additional dollars will be required, the committee supports the bill wholeheartedly. Vote 19-0.

Committee report adopted and ordered to third reading.

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth H. Gould for Finance: With the amendment, this bill appropriates just \$1. We are endorsing and keeping alive efforts to support low-income parents with their childcare and early learning expenses. It is hoped that a better appropriation will come later. The House and Senate both recognize the importance of quality early learning initiatives. Vote 16-3.

Amendment (1871h)

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$1 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of health and human services for the purposes of section 2 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Amendment adopted.

The question now being adoption of the committee report.

Reps. Newton and Ward spoke against.

Rep. Gould spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 192 NAYS 143**YEAS 192****BELKNAP**

Fitzgerald, James	Flanders, Donald	Millham, Alida	Morrison, Gail
Pilliod, James			

CARROLL

Buco, Thomas	Knox, J David	Olimpio, J Lisbeth	Philbrick, Donald
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Foote, Sheila
Mitchell, Bonnie	Parkhurst, Henry	Pelkey, Stephen	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	King, Frederick	Mears, Edgar	Merrick, Scott
Theberge, Robert			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Dorsett, Andrew	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Carter, Mark
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia

Drisko, Richard
 Foster, Linda
 Gorman, Mary
 Irwin, Anne-Marie
 Kopka, Angeline
 Matarazzo, Anthony Sr
 Movsesian, Lori
 Ryder, Donald
 Shaw, Kimberly
 Wheeler, Robert

Egbers, Fran
 Gargasz, Carolyn
 Haley, Robert
 Jean, Claudette
 L'Heureux, Robert
 Messier, Irene
 Pappas, Christopher
 Schulze, Joan
 Smith, David

Emerton, Larry
 Ginsburg, Ruth
 Hall, Betty
 Jeudy, Jean
 Lasky, Bette
 Michon, Stephen
 Pilotte, Maurice
 Shattuck, Gilman
 Sullivan, Francis

Essex, David
 Goley, Jeffrey
 Harvey, Suzanne
 Johnson, Paula
 Martin, Mary Ellen
 Moran, Edward
 Rosenwald, Cindy
 Shaw, Barbara
 Sullivan, Peter

MERRIMACK

Anderson, Eric
 Clarke, Claire
 French, Barbara
 L'Heureux, Stephen
 McMahon, Patricia
 Reardon, Tara
 Shurtleff, Stephen
 Walz, Mary Beth

Blanchard, Elizabeth
 DeJoie, John
 Gile, Mary
 Lockwood, Priscilla
 Osborne, Jessie
 Reed, Dennis
 Tilton, Joy
 Williams, Robert

Bouchard, Candace
 DeStefano, Stephen
 Hager, Elizabeth
 MacKay, James
 Owen, Derek
 Rush, Deanna
 Tupper, Frank
 Yeaton, Charles

Brueggemann, Donald
 Foose, Robert
 Hamm, Christine
 Maxfield, Roy
 Potter, Frances
 Ryan, Jim
 Wallner, Mary Jane

ROCKINGHAM

Bridle, Russell
 Casey, Kimberley
 Flockhart, Eileen
 Ingram, Russell
 Langley, Jane
 Norelli, Terie
 Powers, James
 Scamman, Stella

Brown, C. Pennington
 Dalrymple, Janeen
 Gillick, Thomas
 Johnson, Robert
 Major, Norman
 O'Neil, Michael
 Priestley, Anne
 Splaine, James

Buxton, Donald
 DiFruscia, Anthony
 Gould, Kenneth
 Katsakiores, George
 Mason, April
 Pantelakos, Laura
 Robertson, Carl
 Stiles, Nancy

Cali-Pitts, Jacqueline
 Flanders, John Sr
 Griffin, Mary
 Katsakiores, Phyllis
 Moody, Marcia
 Parker, Benjamin
 Robinson, John
 Stone, Joseph

STRAFFORD

Berube, Roger
 Brown, Lawrence
 Dunlap, Patricia
 Hofemann, Roland
 Knowles, William
 Schmidt, Peter
 Taylor, Kathleen

Bickford, David
 Cilley, Jacalyn
 Goodwin, Earle
 Johnson, Nancy
 Miller, Joseph
 Smith, Marjorie
 Wall, Janet

Brown, Jennifer
 Creteau, Irene
 Grassie, Anne
 Kaen, Naida
 Rollo, Michael
 Spang, Judith

Brown, Julie
 Domingo, Baldwin
 Heon, Richard
 Keans, Sandra
 Rous, Emma
 Taylor, Katherine

SULLIVAN

Cloutier, John
 Franklin, Peter
 Phinizy, James

Converse, Larry
 Gale, Harry
 Prichard, Stephen

Donovan, Thomas
 Houde-Quimby, Charlotte

Ferland, Brenda
 Jillette, Arthur Jr

NAYS 143

BELKNAP

Allen, Janet
 Nedeau, William
 Tobin, William

Boyce, Laurie
 Rosen, Ralph
 Veazey, John

Clark, Charles
 Russell, David
 Wendelboe, Fran

Heald, Bruce
 Tilton, Franklin
 Whalley, Michael

CARROLL

Ahlgren, Christopher
 Dickinson, Howard
 Patten, Betsey

Babson, David Jr
 Martin, James
 Stevens, Stanley

Brown, Carolyn
 McConkey, Mark

Chandler, Gene
 Merrow, Harry

CHESHIRE

Dexter, Judson

Emerson, Susan

Hunt, John

Sawyer, Sheldon

COOS

Lary, Bruce	Remick, William	Richardson, Herbert	Stohl, Eric
Tholl, John Jr			

GRAFTON

Gionet, Edmond	Maybeck, Margie	Mirski, Paul	Sorg, Gregory
Ward, John	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Boehm, Ralph	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carlson, Donald	Christensen, D L Chris
Christiansen, Lars	Coughlin, Pamela	Crane, Elenore Casey	Dyer, Donald
Francoeur, Bea	Golding, William	Gonzalez, Carlos	Goyette, Peter Jr
Graham, John	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Infantine, William	Jasper, Shawn
Kurk, Neal	Lawrence, James	Manney, Pamela	McRae, Karen
Mead, Robert	Mooney, Maureen	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Price, Pamela	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Slocum, Lee	Souza, Kathleen	Stepanek, Stephen
Tahir, Saghir	Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice
Wheeler, James			

MERRIMACK

Currier, David	Danforth, James	Field, William	Kennedy, Richard
Kidder, David	Klose, John	Langlais, Thomas	Marple, Richard
Oliver, James	Soltani, Tony	Whiting, Herbert	

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Cady, Harriet	Camn, Kevin	Carson, Sharon
Coburn, James	Donahue, Richard Ken	Dowd, John	Dowling, Patricia
Fesh, Bob	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Itse, Daniel	Lund, Howie	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	Packard, Sherman	Palazzo, Frank
Quandt, Marshall Lee	Quandt, Matthew	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		

STRAFFORD

Cataldo, Sam	Chaplin, Duncan	Hollinger, Jeffrey	Newton, Clifford
Twombly, James			

SULLIVAN

Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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and the committee report was adopted.
Ordered to third reading.

SB 308-FN-A, making an appropriation for school building aid. **OUGHT TO PASS.**

Rep. Linda T. Foster for Finance: Unfortunately, the consequences of SB 38 that changed the eligibility requirements for certain school districts and increased school budget aid by approximately \$1,000,000, were not included in the current budget. The committee believes that the state should honor its commitment and not shift the cash flow burden. Vote 17-3.

Committee report adopted and ordered to third reading.

SB 322, establishing the business loan enhancement program and relative to the capital asset backed guarantee program. **OUGHT TO PASS.**

Rep. Russell F. Ingram for Finance: The Business Finance Authority (BFA) has played a very essential role in the economy of the State of New Hampshire and has an exceptional record on past performance. This bill will enable the BFA to establish another program to be of further assistance to the business community of New Hampshire. Vote 11-6.

Rep. Hughes spoke against and yielded to questions.

Rep. Ingram spoke in favor and yielded to questions.

Rep. David Smith spoke against.

Rep. Robert Wheeler spoke in favor.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Hughes requested a roll call; sufficiently seconded.

YEAS 198 NAYS 132

YEAS 198

BELKNAP

Fitzgerald, James
Nedeau, Stephen

Flanders, Donald
Russell, David

Millham, Alida
Thomas, John

Morrison, Gail
Veazey, John

CARROLL

Ahlgren, Christopher
Martin, James
Philbrick, Donald

Babson, David Jr
McConkey, Mark

Chandler, Gene
Olimpio, J Lisbeth

Knox, J David
Patten, Betsey

CHESHIRE

Allen, Peter
Dunn, J Timothy
Mitchell, Bonnie
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Plifka, Stanley Jr
Weed, Charles

Butynski, William
Espiefs, Peter
Richardson, Barbara

Chase, William
Hunt, John
Robertson, Timothy

COOS

Buzzell, Bernard
Richardson, Herbert

King, Frederick
Theberge, Robert

Mears, Edgar
Tholl, John Jr

Merrick, Scott

GRAFTON

Aguiar, James
Cooney, Mary
Harding, A Laurie
Sokol, Hilda

Almy, Susan
Dorsett, Andrew
McLeod, Martha

Benn, Bernard
Gionet, Edmond
Mulholland, Catherine

Bleyler, Ruth
Hammond, Lee
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Christensen, D L Chris
Craig, James
Emerton, Larry
Ginsburg, Ruth
Haley, Robert
Irwin, Anne-Marie
Kopka, Angeline
Lawrence, James
O'Connell, Timothy
Shattuck, Gilman
Sullivan, Peter

Beaulieu, Jane
Clemons, Jane
Desmarais, Vivian
Essex, David
Goley, Jeffrey
Hall, Betty
Jean, Claudette
Kurk, Neal
Matarazzo, Anthony Sr
Pappas, Christopher
Shaw, Barbara
Wheeler, Robert

Campbell, David
Cote, David
Dokmo, Cynthia
Foster, Linda
Gorman, Mary
Hansen, Ryan
Judy, Jean
L'Heureux, Robert
Michon, Stephen
Price, Pamela
Stepanek, Stephen

Chase, Claudia
Cote, Peter
Egbers, Fran
Gargasz, Carolyn
Graham, John
Harvey, Suzanne
Johnson, Paula
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Sullivan, Francis

MERRIMACK

Anderson, Eric
Currier, David
French, Barbara
Klose, John
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Yeaton, Charles

Bouchard, Candace
DeJoie, John
Gile, Mary
L'Heureux, Stephen
Osborne, Jessie
Rush, Deanna
Wallner, Mary Jane

Brueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
MacKay, James
Potter, Frances
Ryan, Jim
Walz, Mary Beth

Clarke, Claire
Foose, Robert
Hamm, Christine
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Whiting, Herbert

ROCKINGHAM

Belanger, Ronald
Buxton, Donald
Dalrymple, Janeen
Forsing, Robert
Gillick, Thomas
Johnson, Robert
Moody, Marcia
Palazzo, Frank
Priestley, Anne
Waterhouse, Kevin

Bishop, Franklin
Cali-Pitts, Jacqueline
Dowd, John
Francoeur, Sheila
Gould, Kenneth
Katsakiores, George
Norelli, Terie
Pantelakos, Laura
Robinson, John
Weldy, Norman

Bridle, Russell
Casey, Kimberley
Fesh, Bob
Garrity, James
Griffin, Mary
Major, Norman
O'Neil, Michael
Parker, Benjamin
Splaine, James
Winchell, George

Brown, C. Pennington
Coburn, James
Flanders, John Sr
Gilbert, Karl
Ingram, Russell
McMahon, Charles
Packard, Sherman
Powers, James
Stone, Joseph

STRAFFORD

Berube, Roger
Brown, Lawrence
Dunlap, Patricia
Johnson, Nancy
Miller, Joseph
Smith, Marjorie

Bickford, David
Chaplin, Duncan
Grassie, Anne
Kaen, Naida
Rollo, Michael
Taylor, Kathleen

Brown, Jennifer
Creteau, Irene
Heon, Richard
Keans, Sandra
Rous, Emma
Wall, Janet

Brown, Julie
Domingo, Baldwin
Hofemann, Roland
Knowles, William
Schmidt, Peter

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 132**BELKNAP**

Allen, Janet
Pilliod, James
Wendelboe, Fran

Boyce, Laurie
Rosen, Ralph
Whalley, Michael

Clark, Charles
Tilton, Franklin

Heald, Bruce
Tobin, William

CARROLL

Brown, Carolyn
Stevens, Stanley

Buco, Thomas

Dickinson, Howard

Merrow, Harry

CHESHIRE

Dexter, Judson
Pelkey, Stephen

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Parkhurst, Henry

COOS

Lary, Bruce

Remick, William

Stohl, Eric

GRAFTON

Maybeck, Margie
Ward, John

Mirski, Paul
Williams, Burton

Solomon, Peter

Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
DeVries, Betsi
Golding, William
Hellwig, Steve
Jasper, Shawn
Mead, Robert
O'Brien, William

Balboni, Michael
Biundo, Michael
Calawa, Leon Jr
Christiansen, Lars
Drisko, Richard
Gonzalez, Carlos
Hinkle, Peyton
Manney, Pamela
Messier, Irene
Ober, Lynne

Barry, J Gail
Boehm, Ralph
Carew, James
Coughlin, Pamela
Dyer, Donald
Goyette, Peter Jr
Holden, Randolph
Martin, Mary Ellen
Mooney, Maureen
Pilotte, Maurice

Batula, Peter
Brassard, Paul
Carlson, Donald
Crane, Elenore Casey
Francoeur, Bea
Hawkins, Ken
Infantine, William
McRae, Karen
Moran, Edward
Renzullo, Andrew

Rowe, Robert
Smith, David
Vaillancourt, Steve

Ryder, Donald
Souza, Kathleen
Villeneuve, Maurice

Shaw, Kimberly
Tahir, Saghir
Wheeler, James

Slocum, Lee
Ulery, Jordan

MERRIMACK

Blanchard, Elizabeth
Kidder, David
Oliver, James

Danforth, James
Langlais, Thomas
Owen, Derek

Field, William
Lockwood, Priscilla
Soltani, Tony

Kennedy, Richard
Marple, Richard

ROCKINGHAM

Allen, Mary
Camm, Kevin
Dowling, Patricia
Hughes, Daniel
Lund, Howie
Nowe, Ronald
Scamman, Stella
Wells, Roger

Asselin, Michael
Carson, Sharon
Flockhart, Eileen
Itse, Daniel
Mason, April
Quandt, Marshall Lee
Stiles, Nancy
Weyler, Kenneth

Bettencourt, David
DiFruscia, Anthony
Headd, James
Katsakiores, Phyllis
McKinney, Betsy
Quandt, Matthew
Weare, E Albert
Zolla, William

Cady, Harriet
Donahue, Richard Ken
Hopfgarten, Paul
Langley, Jane
Morris, Richard
Robertson, Carl
Welch, David

STRAFFORD

Cataldo, Sam
Newton, Clifford

Cilley, Jacalyn
Twombly, James

Goodwin, Earle

Hollinger, Jeffrey

SULLIVAN

Irish, Christopher
and the committee report was adopted.
Ordered to third reading.

Osgood, Philip Sr

Rodeschin, Beverly

SB 339, changing certain job titles and responsibilities in the department of transportation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth L. Weyler for Finance: The original bill involved adding new positions to the Department of Transportation (DOT) and the Department of Revenue Administration (DRA). Those sections were removed so that the established classification system could be employed first. The remaining section dealt with the hiring of financial consultants by DOT. The committee was convinced that with the oldest automation system in the state, the DOT financial system needed an overhaul. If we create new positions they will not be in place to help us with the next budget. Consultants can be put to work more expeditiously. The committee amendment removed restricting the consultants to three, and also capped the expenditure at the end of this biennium. Vote 17-0.

Amendment (1855h)

Amend the bill by replacing all after the enacting clause with the following:

1 Department of Transportation; Consultants. The department of transportation may hire financial consultants, who shall be paid from highway funds already appropriated to the department but not otherwise expended, a total amount not to exceed \$210,000. The consultants shall work with the department on such matters as may be recommended by the commissioner of the department of transportation, or the commissioner's designee.

2 Repeal. Section 1 of this act, relative to consultants hired by the department of transportation, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect on July 1, 2007.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits the department of transportation to hire consultants and to pay them from the highway fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

The House recessed at 11:55 a.m.

RECESS

(Deputy Speaker Weyler in the Chair)

The House reconvened at 1:35 p.m.

REGULAR CALENDAR (CONT'D.)

SB 367-FN, imposing a penalty on Medicaid providers who receive overpayments of state Medicaid funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Sharon L. Nordgren for Finance: This bill was first considered by the Senate Health and Human Services Committee and they recommended an ITL motion. It was overturned on the Senate floor, and then sent to Senate Finance where it was amended. The bill was amended again on the floor of the Senate and passed. The bill was then sent to House Ways and Means and vacated to the Finance Committee. The Department of Health and Human Services was unaware of the final amendment in the Senate and in fact would have preferred their own amendment. It was decided by the Finance Committee that the issue should be further refined and addressed in the next session. Vote 14-1. Committee report adopted.

SB 373-FN-A, relative to a public health response to arbovirus. **INEXPEDIENT TO LEGISLATE.**

Rep. Neal M. Kurk for Finance: This bill largely duplicates the mosquito control program contained in HB 1464, which the House already passed and is, therefore, unnecessary. Should the Senate feel that specific elements of this bill are essential, they can be raised in a committee of conference on HB 1464. Vote 13-2.

Committee report adopted.

SB 387, relative to energy efficiency loans and guarantees by the business finance authority. **OUGHT TO PASS.**

Rep. Bernard L. Benn for Finance: This bill authorizes the Business Finance Authority (BFA) to guarantee loans to business and agricultural entities for projects that improve energy efficiency. The agency currently has this authority, but this bill makes the legislative intent to foster energy savings explicit. Vote 17-0.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

Rep. Kurk moved that **SB 399-FN**, relative to the powers of state government in the event of an incident or outbreak of communicable disease, be made a Special Order to the end of today's calendar. On a division vote, 223 members having voted in the affirmative and 79 in the negative, the motion was adopted.

WITHOUT OBJECTION

Without objection, the Chair ordered **SB 364-FN-A**, relative to funding of the fish and game search and rescue fund and making an appropriation therefor, to be taken out of calendar order.

SPECIAL ORDER

SB 364-FN-A, relative to funding of the fish and game search and rescue fund and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Frederick W. King for Finance: The committee supports general funds for the search and rescue activities of the Fish and Game Department. The committee is concerned about the availability of funding in Fiscal Year 2006. Vote 16-2.

Amendment (1658h)

Amend RSA 206:42, II as inserted by section 1 of the bill by replacing it with the following:

II. The state treasurer shall deposit annually from the general fund into the special search and rescue fund an amount equal to the moneys collected pursuant to paragraph I during any fiscal year up to and including a total of \$1 annually. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.

Rep. Mirski spoke against.

Rep. King spoke in favor.

Amendment adopted.

Rep. King offered floor amendment (1986h).

Floor Amendment (1986h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to funding of the fish and game search and rescue fund and making an appropriation therefor; repealing an appropriation for the fuel assistance program; and making appropriations to certain departments for anticipated energy shortfalls.

Amend the bill by replacing all after the enacting clause with the following:

1 Fish and Game Search and Rescue Fund. Amend RSA 206:42 to read as follows:

206:42 Fish and Game Search and Rescue Fund.

I. The additional fee of \$1 collected under the provisions of RSA 270-E:5, II(b) for each private boat registered, under RSA 215-A:23, X for each OHRV registered, and under RSA 215-C:39, XI for each snowmobile registered, shall be paid over to the state treasurer who shall keep such fees in a special fund to be expended by the fish and game department for use in search and rescue operations.

II. *The state treasurer shall deposit annually from the general fund into the special search and rescue fund an amount equal to the moneys collected pursuant to paragraph I during any fiscal year up to and including a total of \$100,000 annually. The governor is authorized to draw a warrant for such amount out of any money in the treasury not otherwise appropriated.*

III. The special fund shall be nonlapsing. All funds received under this subdivision are continually appropriated to the fish and game department [~~for the purposes of this subdivision~~] *and shall be used to fund search and rescue operations including, but not limited to salaries, training, equipment, and associated expenditures.* The fish and game department shall report to the fiscal committee on a quarterly basis beginning on October 1, 1989, on the expenditures made from the fund.

2 Repeal. 2005, 298:5, relative to an appropriation to the office of energy and planning for the fuel assistance program, is repealed.

3 Supplemental Appropriations; Adjutant General; Energy Expense Shortfalls. The sums of \$209,000 for the fiscal year ending June 30, 2006 and \$209,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the adjutant general for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the adjutant general. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Supplemental Appropriations; Department of Administrative Services; Energy Expense Shortfalls. The sums of \$1,669,525 for the fiscal year ending June 30, 2006 and \$1,669,525 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of administrative services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of administrative services. In each fiscal year, the appropriation shall be a charge against the appropriate funds as follows:

General	Federal	Highway	Other
\$252,134	\$190,789	\$373,124	\$853,478

The governor is authorized to draw a warrant for said sums out of the appropriate fund.

5 Supplemental Appropriations; Department of Safety; Energy Expense Shortfalls. The sums of \$212,887 for the fiscal year ending June 30, 2006 and \$212,887 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of safety for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the highway fund and are in addition to any other funds appropriated to the department of safety.

6 Supplemental Appropriations; Department of Resources and Economic Development; Energy Expense Shortfalls. The sums of \$16,000 for the fiscal year ending June 30, 2006 and \$16,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of resources and economic development for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of resources and economic development. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Supplemental Appropriations; Department of Environmental Services; Energy Expense Shortfalls. The sums of \$33,000 for the fiscal year ending June 30, 2006 and \$33,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of environmental services for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Supplemental Appropriations; Department of Corrections; Energy Expense Shortfalls. The sums of \$1,030,000 for the fiscal year ending June 30, 2006 and \$1,030,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of corrections for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the department of corrections. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Supplemental Appropriations; Regional Community-Technical Colleges; Energy Expense Shortfalls. The sums of \$757,345 for the fiscal year ending June 30, 2006 and \$757,345 for the fiscal year ending June 30, 2007 are hereby appropriated to the regional community-technical college system for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the regional community-technical college system. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

10 Supplemental Appropriations; Liquor Commission; Energy Expense Shortfalls. The sums of \$105,000 for the fiscal year ending June 30, 2006 and \$105,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the liquor commission for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations are in addition to any other funds appropriated to the liquor commission. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

11 Supplemental Appropriations; Department of Transportation; Highway Fund; Energy Expense Shortfalls. The sums of \$800,000 for the fiscal year ending June 30, 2006 and \$800,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of transportation for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the highway fund and are in addition to any other funds appropriated to the department of transportation.

12 Supplemental Appropriations; Department of Transportation; Turnpike Fund; Energy Expense Shortfalls. The sums of \$150,000 for the fiscal year ending June 30, 2006 and \$150,000 for the fiscal year ending June 30, 2007 are hereby appropriated to the department of transportation for anticipated energy expense shortfalls in state-owned buildings during the respective fiscal years. These appropriations shall be a charge against the turnpike fund and are in addition to any other funds appropriated to the department of transportation.

13 Effective Date.

I. Section 1 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill annually appropriates money from the general fund into the fish and game search and rescue fund.

The bill repeals an appropriation to the office of energy and planning for the fuel assistance program.

The bill also makes certain supplemental appropriations to certain departments for anticipated energy expense shortfalls in state-owned buildings.

Rep. King spoke in favor and yielded to questions.

Floor amendment (1986h) adopted.

Rep. Wallner offered floor amendment (2182h).

Floor Amendment (2182h)

Amend the bill by replacing all after section 12 with the following:

13 Appropriation. The sum of \$1,748,504 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing a one-time increase in rates paid to certain providers in fiscal year 2007 to offset the increased cost of utilities, heating, and mileage. The commissioner of the department of health and human services by August 1 shall set the amount of such rate increase for each provider at the maximum rate consistent with the appropriations allotted below for such provider. The commissioner in September shall report to the fiscal committee of the general court on the rates established by the department. The sums appropriated in this section represent the state gen-

eral fund share of such costs, and the department shall obtain matching funds from federal and other non-state sources, where appropriate, to ensure that the full cost of the one-time increase is sufficiently funded. The appropriation contained in this section shall be distributed as follows:

Office of Medicaid and Business Policy

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-02-01-04	Medical Transportation	\$6,050

Division for Children, Youth, and Families

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-06-07-01	Residential Providers	\$151,118
05-01-06-07-01	Foster Care Adoption and Foster Homes	\$92,462
05-01-06-08-02	Child Care	\$257,134

Bureau of Elderly and Adult Services

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-08-03-01	Home Delivered Meals and Transportation	\$21,062
05-01-08-03-05	Congregate Housing Contracts	\$6,980
05-01-08-03-06	Adult Residential Day Care	\$2,578
05-01-08-04-01	Home Nursing Services	\$73,758

Bureau of Behavioral Health

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-09-04-01	Community Mental Health Centers	\$341,850
05-01-09-04-08	Emergency Shelters	\$30,772

Bureau of Developmental Services

<u>PAU</u>	<u>Description</u>	<u>Appropriation</u>
05-01-10-01	Developmental Services	\$764,740

This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

14 Rate Increase; Federal Funds. The department of health and human services shall provide a one-time one percent increase in rates paid to certain health and human services providers in fiscal year 2006 who do not receive the increase contained in section 13 of this act, but only to the extent the increase can be funded entirely from federal funds.

15 Additional Appropriation. The sum of \$150,000 is hereby appropriated to the department of health and human services for the biennium ending June 30, 2007, for the purpose of providing additional funds to certain health and human services providers for the increased cost of utilities, heating, and mileage. The amounts appropriated in this section shall be distributed by the commissioner at his or her discretion. The commissioner may distribute these funds to providers who also receive the rate increase provided for in section 13 of this act. The commissioner shall seek to distribute funds in a manner which shall provide the highest level of relief to providers most affected by the increased cost of utilities, heating, and mileage, and shall report to the fiscal committee of the general court within 60 days of the effective date of this act on the distribution of said funds. This appropriation is in addition to any other funds appropriated to the department of health and human services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

16 Effective Date.

I. Section 1 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill annually appropriates money from the general fund into the fish and game search and rescue fund.

The bill repeals an appropriation to the office of energy and planning for the fuel assistance program.

The bill makes certain supplemental appropriations to certain departments for anticipated energy expense shortfalls in state-owned buildings.

The bill also makes appropriations to the department of health and human services for the purposes of reimbursing certain health and human services providers for the increased cost of utilities, heating, and mileage.

Rep. Wallner spoke in favor.

Rep. King spoke in favor and yielded to questions.

Floor amendment (2182h) adopted.

Rep. Stohl offered floor amendment (2198h).

Floor Amendment (2198h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to funding of the fish and game search and rescue fund and making an appropriation therefor; repealing an appropriation for the fuel assistance program; making appropriations to certain departments for anticipated energy shortfalls; and authorizing the fish and game department to acquire property rights to Big Brook Bog Dam in Pittsburg.

Amend the bill by inserting after section 15 the following and renumbering the original section 16 to read as 17:

16 New Paragraph; Property Rights Acquisition Authorized. Amend RSA 482:48 by inserting after paragraph V the following new paragraph:

VI. For a consideration of \$1, the fish and game department is authorized to accept conveyance from the property owners of all water and property rights necessary to repair, maintain, and operate Big Brook Bog Dam in the town of Pittsburg, known as number 194.14, for the purpose of improving and controlling the water rights for the benefit of the state. The property rights the fish and game department is authorized to acquire for the benefit of the state shall be exempt from taxation as long as the properties are held by the state. The rights to be acquired shall include the right to maintain Big Brook Bog Dam in its historic configuration as it existed prior to February 1, 2003, or any other configuration beneficial to the state. The fish and game department may transfer rights in Big Brook Bog Dam under RSA 482:51 to the department for purposes of repair and maintenance.

AMENDED ANALYSIS

This bill annually appropriates money from the general fund into the fish and game search and rescue fund.

The bill repeals an appropriation to the office of energy and planning for the fuel assistance program.

The bill also makes certain supplemental appropriations to certain departments for anticipated energy expense shortfalls in state-owned buildings, and to the department of health and human services for reimbursing certain health care providers for the increased cost of utilities, heating, and mileage.

The bill also authorizes the fish and game department to acquire property rights to Big Brook Bog Dam in Pittsburg.

Rep. Stohl spoke in favor.

Floor amendment (2198h) adopted.

Committee report as amended adopted and ordered to third reading.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 1273, relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline. (Amendment printed SJ 05/04/06)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

REGULAR CALENDAR (CONT'D.)

SB 400-FN, relative to highway welcome signs. **OUGHT TO PASS.**

Rep. Kenneth L. Weyler for Finance: The state motto of "Live Free or Die" has important historical roots. It is easily understood and popularly accepted. This bill would add it to our welcome signs. This bill came to the Finance Committee due to an expenditure to add the state motto to the highway signs at our state-line points of entry. There are 11 large signs and 36 small ones where

a new piece will be added. The Department of Transportation (DOT) sign crew has stated that fabrication and installation will take two years when incorporated into the present work schedule. Recently a donor came forward to offer to pay for the approximately \$5,800 per year for this project. This would mean no additional cost to the state. Vote 11-6.

Committee report adopted and ordered to third reading.

SB 238, relative to assistance to members of the general court provided by the legislative budget assistant. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for Legislative Administration: The majority of the committee felt this bill is unnecessary. There has been no problem in the past for members and seems to stem from a one-time problem in the Senate. The majority of the members felt the Senate problem would not reoccur and the potential of abuse by some members of the House or Senate overrides the need to insure that the Legislative Budget Assistant "may" respond to a member's request. Vote 5-4.

Rep. Vaillancourt spoke against.

Rep. Hunt spoke in favor.

On a division vote, 169 members having voted in the affirmative and 132 in the negative, the committee report was adopted.

SB 232-FN-A, making a capital appropriation to the department of health and human services for a dental facility in the town of Tamworth. **REFER FOR INTERIM STUDY.**

Rep. Thomas L. Buco for Public Works and Highways: This bill attempts to address a dire need for oral health care for low to moderate income people in the northern three counties of the state. The bill authorizes a capital appropriation and authorizes the state to issue bonds in the amount of \$400,000 to equip a dental clinic in the Town of Tamworth under the umbrella of the Tri-County Community Action Program. An amendment was proposed that attempted to address some of the questions as to who would operate the clinic, who would be treated and in what priority. The committee still had many questions and the amendment was defeated. The committee believes that a better course of action is to refer the bill to interim study to give us time to resolve the many unanswered questions. Vote 14-0.

Committee report adopted.

SB 107-FN, relative to the tax on tobacco products other than cigarettes. **INEXPEDIENT TO LEGISLATE.**

Rep. Peyton B. Hinkle for Ways and Means: This bill would tax loose tobacco products (smokeless tobacco) at the rate of 48 cents per ounce rather than the present tax of 19 percent of the wholesale price. There were a number of reservations shared by the majority of the committee. While the change in tax method might result in an increase in revenue for now, this might not last since these products have shown a ten year history of price increases keeping pace with inflation. Thus, a percentage tax on the price would generate increased revenues in the future. Seventy percent of the market consists of premium products that sell for a higher price and generate more revenue under a percentage tax method. Going to a weight-based tax would increase the tax on the low-end products, resulting in more of a tax burden for people of modest means. Going to a weight-based tax would also create more work for the wholesaler, who would have to calculate the tax due for each of the many different weight based products, rather than a simple tax on sales dollars. It would be especially burdensome for wholesalers who also serve surrounding states, which are all on a percentage basis. They would have to have two separate accounting methods. Forty two other states tax these products the way we presently do. The Department of Revenue Administration (DRA) indicated the bill would have an indeterminable impact on revenues. Some members concluded, if it ain't broke, don't fix it. Vote 11-7.

Committee report adopted.

SB 131-FN, establishing a school choice certificate program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Christine C. Hamm for the Majority of Ways and Means: Calling it "a recipe for chaos," the commissioner of the Department of Revenue Administration testified that this bill, with tax credits granted within different fiscal periods on a first-come, first-served basis, would be impossible to administer. In questioning, the committee learned that the bill would cost the state even more than the proposed \$1 million/biennium in business tax credits and that the bill guaranteed that once

students get vouchers, they can continue to receive them annually until they graduate or reach age 21. A further inconsistency is that while the bill would make the state financially responsible for the staff required to administer the program, it does not fund that expense. Given these shortcomings, an amendment was offered which attempted to strip the bill of its fiscal responsibilities. This was defeated by a bipartisan majority for any one of a number of reasons: 1) that the amendment, in fact, failed to relieve the state of responsibility for funding the administrative staff, 2) that it continued the state's responsibility to reimburse expenses for the legislative members of the board, 3) that the state could be liable for legal challenges to Article 28A and other constitutional issues, 4) that the Senate would reinstate the funding in a committee of conference, 5) that it expanded government by broadening its reach into an area which even the prime sponsor agreed could be achieved through private endowment or contributions, and 6) that by stripping the tax credits from his bill, the remaining shell is a state-sponsored structure open to state funding for school voucher programs, including non-public programs, a practice which the House has consistently rejected, most recently on March 9. Vote 11-10.

Rep. Shawn N. Jasper for the Minority of Ways and Means: The policy contained in the bill was passed by the House. The bill was sent to Ways and Means to deal with the issue of the tax credits. The bill also contained a two dollar appropriation for the biennium, which at the request of the Finance Committee, the amendment would remove. The tax credit contained within the original bill would have been impossible to administer by the Department of Revenue and is also removed in the amendment. The minority believes that the majority overstepped its authority by recommending the killing of the policy contained within the bill. With the amendment, the bill contains no state financial support, but does provide a vehicle to accept funding for school choice. While it is true that any group of people could come together to form a non-profit corporation such as the one we propose, this amendment assures that it will become a reality and we believe by having its members appointed by the Speaker of the House, the Senate President and the Governor, it will have far more credibility than a corporation formed by a self-appointed group of individuals.

Reps. Jasper and Hunt spoke against.

Reps. Vaillancourt, Parker, Shaw and Hamm spoke in favor.

Rep. W. Packy Campbell requested a roll call; sufficiently seconded.

YEAS 172 NAYS 136

YEAS 172

BELKNAP

Millham, Alida	Morrison, Gail	Nedean, Stephen	Pilliod, James
Veazey, John			

CARROLL

Buco, Thomas	Knox, J David	Olimpio, J Lisbeth	Philbrick, Donald
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Robertson, Timothy	Tilton, Anna
Weed, Charles			

COOS

Buzzell, Bernard	Lary, Bruce	Merrick, Scott	Remick, William
Stohl, Eric	Theberge, Robert		

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Cooney, Mary	Hammond, Lee	Harding, A Laurie	McLeod, Martha
Mulholland, Catherine	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Williams, Burton			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Carlson, Donald
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Egbers, Fran	Emerton, Larry	Essex, David
Foster, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Graham, John	Haley, Robert	Hall, Betty	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Jeady, Jean	Johnson, Paula
Kopka, Angeline	Lasky, Bette	Matarazzo, Anthony Sr	Messier, Irene
Movsesian, Lori	O'Connell, Timothy	Ober, Lynne	Pilotte, Maurice
Rosenwald, Cindy	Ross, Lawrence	Ryder, Donald	Scanlon, Michael
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	Foose, Robert	French, Barbara
Gile, Mary	Hamm, Christine	Kennedy, Richard	Kidder, David
Lockwood, Priscilla	MacKay, James	Marple, Richard	Osborne, Jessie
Owen, Derek	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Yeaton, Charles		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Brown, C. Pennington	Buxton, Donald
Cali-Pitts, Jacqueline	DiFruscia, Anthony	Flockhart, Eileen	Francoeur, Sheila
Gould, Kenneth	Hughes, Daniel	Ingram, Russell	Johnson, Robert
Langley, Jane	Moody, Marcia	Norelli, Terie	Parker, Benjamin
Powers, James	Priestley, Anne	Robertson, Carl	Robinson, John
Splaine, James	Wells, Roger	Winchell, George	

STRAFFORD

Berube, Roger	Brown, Jennifer	Brown, Julie	Brown, Lawrence
Cilley, Jacalyn	Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia
Hofemann, Roland	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Rollo, Michael	Rous, Emma	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Gale, Harry	Houde-Quimby, Charlotte	Irish, Christopher	Jillette, Arthur Jr
Phinizy, James	Prichard, Stephen		

NAYS 136**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Rosen, Ralph	Russell, David	Tilton, Franklin
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Martin, James	McConkey, Mark	Merrow, Harry
Patten, Betsey	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Hunt, John	Sawyer, Sheldon
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COOS

Richardson, Herbert

Tholl, John Jr

GRAFTONGionet, Edmond
Sorg, GregoryIngbretson, Paul
Ward, John

Maybeck, Margie

Mirski, Paul

HILLSBOROUGHAdams, Jarvis IV
Bergeron, Jean-Guy
Calawa, Leon Jr
Christiansen, Lars
Francoeur, Bea
Hagan, Barbara
Hinkle, Peyton
Lawrence, James
Mead, Robert
Price, Pamela
Souza, Kathleen
Wheeler, JamesBalboni, Michael
Boehm, Ralph
Carew, James
Coughlin, Pamela
Gargas, Carolyn
Hansen, Ryan
Jasper, Shawn
Manney, Pamela
Mooney, Maureen
Renzullo, Andrew
Stepanek, Stephen
Wheeler, RobertBarry, J Gail
Brassard, Paul
Carter, Mark
Crane, Elenore Casey
Golding, William
Hawkins, Ken
Kurk, Neal
Martin, Mary Ellen
Moran, Edward
Rowe, Robert
Ulery, JordanBatula, Peter
Brundige, Robert
Christensen, D L Chris
Dyer, Donald
Goyette, Peter Jr
Hellwig, Steve
L'Heureux, Robert
McRae, Karen
O'Brien, William
Slocum, Lee
Villeneuve, Maurice**MERRIMACK**Anderson, Eric
Klose, JohnCurrier, David
Langlais, ThomasDanforth, James
Whiting, Herbert

Field, William

ROCKINGHAMAsselin, Michael
Camm, Kevin
Dowling, Patricia
Garrity, James
Itse, Daniel
Major, Norman
Morris, Richard
Palazzo, Frank
Stiles, Nancy
Welch, DavidBettencourt, David
Carson, Sharon
Dumaine, Dudley
Gillick, Thomas
Katsakiores, George
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Stone, Joseph
Weldy, NormanBishop, Franklin
Coburn, James
Fesh, Bob
Griffin, Mary
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Waterhouse, Kevin
Weyler, KennethCady, Harriet
Dowd, John
Flanders, John Sr
Hopfgarten, Paul
Lund, Howie
McMahon, Charles
Packard, Sherman
Scamman, Stella
Weare, E Albert
Zolla, William**STRAFFORD**Bickford, David
Easson, Timothy
Twombly, JamesCampbell, W Packy
Goodwin, EarleCataldo, Sam
Hollinger, JeffreyChaplin, Duncan
Newton, Clifford**SULLIVAN**

Donovan, Thomas

Osgood, Philip Sr

Rodeschin, Beverly

and the majority committee report was adopted.

Rep. Casey did not vote and notified the Clerk that she wished to be recorded in favor.

SB 376-FN-A, relative to revenues dedicated to the education trust fund. OUGHT TO PASS WITH AMENDMENT.

Rep. Shawn N. Jasper for Ways and Means: The bill, as introduced, would have essentially taken all of the monies which are now earmarked to go into the Education Trust Fund and directed them into the General Fund. Then only the lottery revenue (about \$75 million per year) would have gone into the trust fund. In this biennium the monies which went into the trust fully funded our commitment to education funding. There was a real problem with estimating how much money actually goes into the trust from the Business Enterprise Tax (BET) and the Business Profit Tax (BPT) each month. The exact amount deposited each month into the trust from the other revenue sources is predictable. The total amount of the trust is not known until the final business taxes are filed in October, after the fiscal year is closed. The amendment fixes this accounting problem by using

historical average percentage of the combined business taxes. The percentage is calculated by using the combined audited amount in prior years that is sent to the trust fund. This fixes a major problem of predicting the current amount that is actually deposited into the trust fund in real time without removing any of the various revenues that presently go into the fund. The committee feels that it is appropriate to continue to fund the trust at the same level as in the past. Vote 15-3.

Amendment (1791h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to business tax revenues dedicated to the education trust fund.

Amend the bill by replacing all after the enacting clause with the following:

1 Business Profits Tax; Distribution. RSA 77-A:20-a is repealed and reenacted to read as follows:

77-A:20-a Distribution of Funds. Thirty eight percent of the combined revenues produced by the business profits tax under this chapter and the business enterprise tax under RSA 77-E shall be deposited in the education trust fund established under RSA 198:39.

2 Business Enterprise Tax; Distribution of Funds. RSA 77-E:14 is repealed and reenacted to read as follows:

77-E:14 Distribution of Funds. Thirty eight percent of the combined revenues produced by the business enterprise tax under this chapter and the business profits tax under RSA 77-A shall be deposited in the education trust fund established under RSA 198:39.

3 Effective Date. This act shall take effect July 1, 2006.

AMENDED ANALYSIS

This bill changes the amount of business tax revenues which are required to be deposited in the education trust fund.

Amendment adopted.

Committee report adopted and ordered to third reading.

SB 380-FN-A, establishing a research and development credit against business taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.** Rep. Benjamin E. Parker for the Majority of Ways and Means: This bill provides for up to \$1,000,000 in annual tax credits against the business profits or enterprise tax for qualified manufacturing research and development expenditures. The majority of the committee recommends inexpedient to legislate because: (1) the business tax climate in New Hampshire is already among the best in the country, (2) New Hampshire's unemployment rate is below 3.6 percent and is among the lowest in the country, (3) the economic drivers behind the type of manufacturing jobs New Hampshire is losing are well beyond the remedies proposed by this bill and (4) while states have used R&D tax credits to draw a specific company, these tax credits have not been shown generally to create significantly more jobs or business activity in the states that have adopted them. The committee majority believes that New Hampshire tax policy should be forward-looking and focus on promoting innovation and not on competing for contract manufacturing jobs of commoditized products. To this end, the General Court in 2003 approved increasing the net operating loss carry forward from \$250,000 to \$1,000,000 and extending the carry forward period from five years to ten years. Rather than credits, this NOL provision better serves start-up research and development companies who typically do not earn a profit for several years. Further, states that have R&D credits typically have either or both a sales tax and income tax. Eight of the nine states without an income tax do not offer R&D credits. While businesses have never met a tax credit they didn't like, New Hampshire has adopted a policy of a simple business tax structure where taxes are the same for all businesses. Our prior experience with the R&D credit proved unsuccessful and was terminated. Proponents of this bill could not show that lost manufacturing jobs could have been saved as a result of an R&D tax credit. Most of the lost manufacturing jobs were for the assembly of high-tech products that today are treated like any other commodity and go to the area with the lowest wage cost. It's unlikely that any tax credit will be able to cover this wage cost differential. The committee majority believes that the foundations of New Hampshire's economy are changing and that the state's increasing business prosperity, job growth and low unemployment confirm that current tax policy is favorable to business and the development of new products and ideas. In contrast to statements about high-tech job loss, it is reported by AeA that for 2004 the most recent year data is available, New Hampshire added 2,400 high tech jobs. The state's 6.8 percent increase

in high-tech jobs was the highest percentage increase in the nation. Indeed, testimony received this past summer by the Ad-Hoc Committee on Business Tax Credits from executives of start-up companies confirmed that research and development companies chose New Hampshire because of its favorable business climate and tax policies. The committee majority believes the R&D tax credit would be an unwarranted loss of revenue. Vote 15-4.

Rep. Peyton B. Hinkle for the Minority of Ways and Means: This bill is for pro-economic development, job growth and family income. New Hampshire has lost about 30,000 good-paying manufacturing jobs so far in this decade. The state once led the nation in the concentration of high-tech jobs, but has now slipped to tenth place. R&D and manufacturing are inextricably linked together – one supports the other. The purpose of this bill is to preserve whatever R&D is left in the state and protects against further outsourcing to countries like India and China, as well as attracts new start-up and other high-tech companies. It provides DRED, which supports the bill, with another tool for promoting New Hampshire as a desirable place to locate businesses. It allows a tax credit equal to 15 percent of qualified R&D expenditures as defined in the U.S. Internal Revenue code. It protects overall business tax revenues by further limiting the credit to 5 percent of a company's total business tax. It is further capped at \$1,000,000 per year for all taxpayers. An amendment, which was available but not considered by the committee, would have phased in the credit over a three year period, thus providing the ability to control the exposure of business tax revenues while monitoring the ability of the legislation to hold and/or attract R&D business. The bill was given high priority support by the Business & Industry Association and the N. H. High Tech Council. Forty other states offer some form of R&D credit. This bill provides the germ of a new vision for New Hampshire as a state with an emerging broad-based high-tech sector.

Reps. Hinkle and Crane spoke against and yielded to questions.

Reps. Parker, Pratt and Major spoke in favor.

Rep. Hinkle requested a roll call; sufficiently seconded.

YEAS 192 NAYS 107

YEAS 192

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Tilton, Franklin	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Foote, Sheila	Mitchell, Bonnie	Parkhurst, Henry
Plifka, Stanley Jr	Pratt, John	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna	Weed, Charles	

COOS

King, Frederick	Lary, Bruce	Remick, William	Stohl, Eric
Tholl, John Jr			

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Bleyler, Ruth
Hammond, Lee	Harding, A Laurie	Ingbretson, Paul	Mulholland, Catherine
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Sorg, Gregory

HILLSBOROUGH

Barry, J Gail	Bergeron, Jean-Guy	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carlson, Donald	Chase, Claudia

Cote, David
Drisko, Richard
Gargas, Carolyn
Gorman, Mary
Judy, Jean
L'Heureux, Robert
Moran, Edward
Price, Pamela
Shaw, Barbara
Villeneuve, Maurice

Cote, Peter
Egbers, Fran
Ginsburg, Ruth
Hall, Betty
Johnson, Paula
Martin, Mary Ellen
O'Connell, Timothy
Rowe, Robert
Shaw, Kimberly
Wheeler, Robert

Coughlin, Pamela
Emerton, Larry
Golding, William
Jasper, Shawn
Kopka, Angeline
McRae, Karen
Ober, Lynne
Ryder, Donald
Ulery, Jordan

Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Jean, Claudette
Kurk, Neal
Messier, Irene
Pilotte, Maurice
Shattuck, Gilman
Vaillancourt, Steve

MERRIMACK

Anderson, Eric
Gile, Mary
Klose, John
Osborne, Jessie
Tilton, Joy

Blanchard, Elizabeth
Hager, Elizabeth
Lockwood, Priscilla
Potter, Frances
Wallner, Mary Jane

Bouchard, Candace
Kennedy, Richard
MacKay, James
Rush, Deanna
Walz, Mary Beth

Foose, Robert
Kidder, David
Marple, Richard
Soltani, Tony

ROCKINGHAM

Allen, Mary
Camm, Kevin
Fesh, Bob
Gillick, Thomas
Hughes, Daniel
Katsakiores, George
Mason, April
Norelli, Terie
Parker, Benjamin
Stiles, Nancy
Welch, David

Brown, C. Pennington
Casey, Kimberley
Flanders, John Sr
Gould, Kenneth
Ingram, Russell
Katsakiores, Phyllis
McKinney, Betsy
Nowe, Ronald
Priestley, Anne
Stone, Joseph
Wells, Roger

Buxton, Donald
Dowd, John
Francoeur, Sheila
Griffin, Mary
Itse, Daniel
Langley, Jane
Moody, Marcia
O'Neil, Michael
Robertson, Carl
Waterhouse, Kevin
Weyler, Kenneth

Cady, Harriet
Dowling, Patricia
Gilbert, Karl
Hopfgarten, Paul
Johnson, Robert
Major, Norman
Morris, Richard
Palazzo, Frank
Scamman, Stella
Weare, E Albert
Winchell, George

STRAFFORD

Berube, Roger
Domingo, Baldwin
Keans, Sandra
Schmidt, Peter

Brown, Lawrence
Dunlap, Patricia
Knowles, William
Smith, Marjorie

Chaplin, Duncan
Hollinger, Jeffrey
Rollo, Michael
Taylor, Kathleen

Creteau, Irene
Kaen, Naida
Rous, Emma
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Osgood, Philip Sr

Converse, Larry
Gale, Harry
Rodeschin, Beverly

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

NAYS 107

BELKNAP

Boyce, Laurie

CARROLL

Buco, Thomas

Dickinson, Howard

Knox, J David

Martin, James

CHESHIRE

None

COOS

Buzzell, Bernard

Merrick, Scott

Richardson, Herbert

Theberge, Robert

GRAFTON

Cooney, Mary
Mirski, Paul

Gionet, Edmond
Ward, John

Maybeck, Margie
Williams, Burton

McLeod, Martha

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Campbell, David	Carew, James	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Clemons, Jane	Craig, James	Crane, Elenore Casey
Desmarais, Vivian	DeVries, Betsi	Dyer, Donald	Essex, David
Francoeur, Bea	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Haley, Robert	Hansen, Ryan	Hawkins, Ken	Hellwig, Steve
Hinkle, Peyton	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Lasky, Bette	Lawrence, James	Manney, Pamela	Matarazzo, Anthony Sr
Mead, Robert	Michon, Stephen	Mooney, Maureen	Movsesian, Lori
Renzullo, Andrew	Rosenwald, Cindy	Ross, Lawrence	Scanlon, Michael
Schulze, Joan	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Francis	Sullivan, Peter	Wheeler, James

MERRIMACK

Brueggemann, Donald	Clarke, Claire	Currier, David	Danforth, James
DeJoie, John	DeStefano, Stephen	Field, William	French, Barbara
Hamm, Christine	Langlais, Thomas	Ryan, Jim	Shurtleff, Stephen
Tupper, Frank	Whiting, Herbert	Yeaton, Charles	

ROCKINGHAM

Asselin, Michael	Belanger, Ronald	Bettencourt, David	Cali-Pitts, Jacqueline
Carson, Sharon	Coburn, James	DiFruscia, Anthony	Dumaine, Dudley
Flockhart, Eileen	Garrity, James	McMahon, Charles	Powers, James
Quandt, Marshall Lee	Quandt, Matthew	Robinson, John	Splaine, James
Zolla, William			

STRAFFORD

Bickford, David	Brown, Jennifer	Brown, Julie	Cataldo, Sam
Cilley, Jacalyn	Easson, Timothy	Hofemann, Roland	Johnson, Nancy
Spang, Judith			

SULLIVAN

Phinizy, James Prichard, Stephen
 and the majority committee report was adopted.
 Rep. Morrison did not vote and notified the Clerk that she wished to be recorded against.

HOUSE ADDRESS 1**REPORT OF THE JOINT COMMITTEE ON ADDRESS FOR THE REMOVAL OF
SUPERIOR COURT JUSTICE KENNETH R. MCHUGH**

HA 1, an address for the removal of Kenneth R. McHugh, superior court justice, from office.
OUGHT NOT TO PASS.

Rep. Cynthia J. Dokmo for the Joint Committee on Address: This address sought the removal of Superior Court Justice Kenneth McHugh for a 1999 decision he issued dismissing a petition seeking to invalidate a 1989 divorce decree. The cause for removal alleged that Justice McHugh violated his oath of office, as well as the United States and New Hampshire constitutions, by refusing to honor a 1998 order issued by a Connecticut court invalidating the 1966 divorce of the private proponent of this address, James MacFarlane. Mr. MacFarlane argued to Justice McHugh that his New Hampshire divorce from his second wife was therefore invalid because he was not legally divorced from his first wife when he married and subsequently divorced his second wife. After hearing from the sponsor, Mr. MacFarlane, members of the public, and Justice McHugh, the committee learned that Mr. MacFarlane had unsuccessfully appealed the issues presented in the address to the New Hampshire Supreme Court, Connecticut courts, and federal courts, as well as to the New Hampshire Judicial Conduct Committee. The committee also learned that Mr. MacFarlane had not informed the Connecticut courts of either his subsequent marriage or divorce or of the New Hampshire litigation that had occurred nearly ten years earlier regarding his second marriage. Despite the confusing factual background involved in the underlying matter, the committee came

to the inescapable conclusion that Mr. MacFarlane had obtained the Connecticut order, without disclosing important facts to that court, solely to recover the monetary judgment awarded to his second wife by New Hampshire courts nearly ten years earlier. The committee strongly believed that these circumstances did not warrant a bill of address and concluded that the address failed to state a reasonable basis for removal, even if the factual bases stated in the address were accurate. While the committee understands the sponsor's concern for judicial accountability, it firmly believed that the serious nature of an address should not be used as a means by which aggrieved litigants can express their disagreement or dissatisfaction with a single ruling in an isolated case, particularly where significant legal and factual questions exist as to the validity of the litigant's claims. The committee also believed that legislative sponsors should attempt to verify and corroborate the claims of a private proponent of an address to ensure that this serious procedure is not subject to abuse by litigious and recalcitrant individuals. Based on its review of the factual and legal history of the matter before Justice McHugh, the committee found no basis for his removal and unanimously voted not to recommend the bill of address.

The committee has voted unanimously not to recommend the address for the removal of Superior Court Justice Kenneth R. McHugh. Part II, Article 73 of the New Hampshire Constitution provides:

The tenure that all commissioned officers shall have by law in their offices shall be expressed in their respective commissions, and all judicial officers duly appointed, commissioned and sworn, shall hold their offices during good behavior except those for whom a different provision is made in this constitution. The governor with consent of the council may remove any commissioned officer for reasonable cause upon the address of both houses of the legislature, provided nevertheless that the cause for removal shall be stated fully and substantially in the address and shall not be a cause which is a sufficient ground for impeachment, and provided further that no officer shall be so removed unless he shall have had an opportunity to be heard in his defense by a joint committee of both houses of the legislature.

The committee does not believe that HA 1 meets the criteria established in the constitution. The conduct described by the 4 items listed in HA 1 does not rise to the level of conduct that requires removal and, therefore, the members do not believe that HA 1 states a reasonable cause for removal. The committee began by examining Part II, Article 73 with the understanding that the provision was included in our original constitution and amended in 1966 to provide specific due process requirements for the respondent. The committee held an organizational meeting to review and slightly revise the special rules of procedure that had been previously adopted for the purposes of the last bill of address considered by the General Court in 1999. The committee believes that the bill of address is a serious legislative procedure to be used with great care and only in circumstances where there exists a reasonable cause for removal. The committee discussed and formally adopted the Special Rules of Procedure, which include the specific constitutional requirements that the bill of address:

- a) state a reasonable cause for removal;
- b) be fully and substantially stated; and
- c) not be a cause which is sufficient ground for impeachment.

Pursuant to these rules, the committee anticipated holding two hearings to provide the sponsors of the bill, the public, and Justice McHugh with opportunities to testify and present evidence concerning the causes for removal stated in HA 1. Justice McHugh attended the initial hearing held on April 10, 2006. After listening to the testimony of the sponsor, the individual advocating the address, and the public, Justice McHugh asked the committee for an immediate opportunity to respond. He waived his right, under the rules, to present his defense only after receipt of the transcripts of the testimony and further waived his right to allow his designees to present a defense on his behalf. The committee assented to the respondent's request and Justice McHugh presented his response. At the conclusion of the testimony, the committee carefully considered all of the testimony and documents presented to them during the one-day hearing.

The committee unanimously believes that the causes for removal stated in HA 1, as well as the evidence submitted in support of the address, simply do not state a reasonable cause for removal. Although the committee believes that the bill of address is an important legislative tool that ensures a certain level of judicial accountability, members expressed concern that this procedure could be abused, particularly where the stated causes for removal are not fully and substantially stated, are not sufficiently verified, or are not adequately investigated by a sponsor. For these reasons, the committee holds the opinion that an address should not be used as a vehicle to express dissatisfaction or disagreement with a legal ruling in a single, isolated matter. Based on the testimony submitted to the

committee, it appeared that HA 1 was premised on this very motivation, without regard to the appellate rights afforded and fully exercised in this matter or the tenuous factual and legal claims articulated by a private proponent of the address. For these reasons, the committee unanimously voted not to recommend the address for the removal of Superior Court Justice Kenneth R. McHugh.

Vote 12-0. Ought Not to Pass.

April 10, 2006

Rep. Cynthia J. Dokmo, Chair
Rep. Maureen C. Mooney, Clerk
Rep. Sheila T. Francoeur
Rep. Neal M. Kurk
Rep. John M. Pratt
Rep. Stephen J. Shurtleff
Rep. Marple spoke against.

Sen. Robert J. Letourneau, Vice-Chair
Sen. John S. Barnes Jr.
Sen. Lou D'Allesandro
Sen. Martha Fuller Clark
Sen. Iris W. Estabrook
Sen. Robert K. Boyce

Rep. Dokmo spoke in favor and yielded to questions.

MOTION TO SPECIAL ORDER

Rep. Lars Christiansen moved to Special Order *HA 1*, an address for the removal of Kenneth R. McHugh, superior court justice, from office, to May 11, 2006.

Motion failed.

The question now being adoption of Ought Not to Pass.

Rep. Soltani spoke in favor.

Motion adopted.

BILL REMOVED FROM CONSENT CALENDAR

SB 371-FN, relative to the continuation of certain wetlands fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin L. Camm for Ways and Means: Wetland application fees are due to rollback from \$0.10 per square foot to \$0.06 per square foot effective July 1, 2006. This bill would maintain the current wetland application fees for four more years at the current level. The committee amendment proposes to maintain the current fees for two more years. The amendment would also require the department to report to the legislature on the status of a variety of permits that they issue. This will provide the next legislature with the information necessary to determine if the fee is too high or too low. Vote 18-0.

Amendment (1905h)

Amend the bill by replacing all after the enacting clause with the following:

1 Extension of Fee for Excavating and Dredging Permits. Amend 2003, 224:8, I to read as follows:

I. Section 3 of this act shall take effect July 1, [2006] **2008**.

2 Report Required. The wetlands bureau, department of environmental services shall make quarterly reports, beginning on September 1, 2006, and thereafter on December 1, 2006, March 1, 2007, June 1, 2007, September 1, 2007, December 1, 2007, March 1, 2008, and June 1, 2008 to the speaker of the house of representatives, the president of the senate, the house and senate finance committees, the house and senate ways and means committees, and the appropriate policy committees relative to the permitting process. The report shall include the following categories: Minimum impact, minor impact, major impact, and shoreline structures. In each such category, the report shall include:

I. Number of applications received.

II. Associated fees.

III. Applications waiting for review.

IV. Average number of days required to issue permits.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the current fee for an excavating and dredging permit until July 1, 2008.

This bill requires the wetlands bureau, department of environmental services to make a quarterly report on the permitting process.

Amendment adopted.

The question now being adoption of the committee report.

Rep. Hellwig spoke against.

Committee report adopted and ordered to third reading.

SPECIAL ORDER

SB 399-FN, relative to the powers of state government in the event of a pandemic. OUGHT TO PASS WITH AMENDMENT.

Rep. Neal M. Kurk for Finance: This bill authorizes the Commissioner of Health and Human Services, with the approval of the governor, to ration certain drugs and medical equipment, and to close public places during an incident or outbreak of a communicable disease. The Finance Committee amendment restricts the use of such power to an epidemic or pandemic, rather than the less definite and broader communicable disease, and makes clear that any order issued would go into effect before, rather than after, a court challenge. The cost of the bill is indeterminable. Vote 17-2.

Amendment (1904h)

Amend RSA 141-C:16-a, I as inserted by section 1 of the bill by replacing it with the following:

I. The commissioner, with the written approval of the governor, may close, direct, and compel the evacuation [of or decontamination of any facility where there is reasonable cause to believe that there is a danger to the public health. The commissioner may also decontaminate, or cause to be decontaminated, or destroy any material of which there is reasonable cause to believe may present imminent danger to the public health] and decontamination of any building located within the state that is accessible to the public, such as businesses, primary and secondary schools, and universities, regardless of whether publicly or privately owned, when there is reasonable cause to believe the building may present an imminent danger to the public health due to an incident or outbreak of communicable disease that threatens to become epidemic or pandemic. The commissioner may also cause any material located within or on the grounds of such building to be decontaminated or destroyed when there is reasonable cause to believe that the material may present imminent danger to the public health. Destruction of any material under this chapter shall be considered a taking of private property and shall be subject to the compensation provisions of RSA 4:46.

Amend RSA 141-C:16-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The owner of any building or portion of a building that is ordered closed in accordance with this section may request a hearing in the superior court to contest that order. The superior court shall schedule and hold a hearing and issue a decision within 5 working days of the court's receipt of the request for a hearing. At the hearing, the burden of proof shall be on the commissioner to prove by a preponderance of the evidence that closure of the building is reasonably necessary to protect the health of the public. Such order shall be effective immediately, and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:16-b as inserted by section 2 of the bill by replacing it with the following:

141-C:16-b Cancellation of Events. The commissioner, with the written approval of the governor, may order the cancellation of public gatherings and events within the state, or in specific geographic areas of the state, as is deemed necessary to prevent the spread of disease; provided, that under no circumstances shall the constitutional rights of assembly be abrogated in any emergency situation. Any person who is aggrieved by orders made by the commissioner and approved by the governor pursuant to this section may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Such order shall be effective immediately, and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:17-b as inserted by section 3 of the bill by replacing it with the following:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, the commissioner, with the written approval of the governor, may control, restrict, and ration the use, sale, dispensing, distribution, or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner, with the written approval of the governor, shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, existing within the state to ensure that such agents are distributed and utilized appropriately. Any person who is aggrieved by a decision made

by the commissioner and approved by the governor with respect to the restriction or rationing of the use, sale, dispensing, distribution, or transportation of such agents, and mechanical equipment such as ventilators may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Multiple requests for hearings under this section may be consolidated into one hearing if the underlying facts are similar, the court deems such consolidation to be appropriate, and the court determines that such consolidation will adequately satisfy the due process rights of the persons who requested a hearing. Such decisions made by the commissioner and approved by the governor pursuant to this section shall be effective immediately and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Amend RSA 141-C:17-c as inserted by section 3 of the bill by replacing it with the following:

141-C:17-c Certain Cost Required. In the event of an outbreak of communicable disease that threatens to become epidemic or pandemic, the commissioner shall pay to the owner the Medicaid rate of any items to be acquired by the department pursuant to RSA 141-C:17-b, at the rate as it was the day prior to the outbreak of the communicable disease that threatens to become epidemic or pandemic.

Amend RSA 141-C:24, I as inserted by section 4 of the bill by replacing it with the following:

1. There is hereby established an ethics committee to offer advice to the commissioner relative to the ethical issues that may be identified in the course of planning for, and responding to, outbreaks of communicable disease that threaten to become epidemic or pandemic.

Amend subparagraph III(j) of section 3 of the bill by replacing it with the following:

(j) A member of a fire department, appointed by the Professional Firefighters of New Hampshire.

Amendment adopted.

Rep. Kurk offered floor amendment (2111h).

Floor Amendment (2111h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the powers of state government in the event of an incident or outbreak of communicable disease and prohibiting New Hampshire from participating in a national identification card system.

Amend the bill by replacing all after section 4 with the following:

5 Prohibition Against Participation in National Identification System. The general court finds that the public policy established by Congress in the Real ID Act of 2005, Public Law 109-13, is contrary and repugnant to Articles 1 through 10 of the New Hampshire constitution as well as Amendments 4 through 10 of the Constitution for the United States of America. Therefore, the state of New Hampshire shall not participate in a national identification card system; nor shall the department of safety amend the procedures for applying for a driver's license under RSA 263 or an identification card under RSA 260:21.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of health and human services, with the written approval of the governor, to ration and prioritize certain pharmaceutical agents in the event of a shortage during an incident or outbreak of communicable disease. Under this bill, the commissioner, with the written approval of the governor, has the power to close public places during an incident, etc. This bill also establishes a committee to advise the commissioner in addressing ethical issues under RSA 141-C.

This bill also prohibits New Hampshire from participating in a national identification card system. Floor amendment (2111h) adopted.

Rep. Rosenwald offered floor amendment (2184h).

Floor Amendment (2184h)

Amend RSA 141-C:17-b as inserted by section 3 of the bill by replacing it with the following:

141-C:17-b Custody; Rationing. If there is a statewide or regional shortage or threatened shortage of any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, the commissioner, with the written approval of the governor, may control, restrict, and ration the use, sale, dispensing, distribution,

or transportation of such agents as necessary to best protect the health, safety, and welfare of the people of this state. In making rationing or other supply and distribution decisions, the commissioner may determine the preference and priority for distribution of such agents, such as giving preference to health care providers and emergency response personnel. The commissioner, with the written approval of the governor, shall have the discretion to take custody of all supplies of specific anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents, or mechanical equipment such as ventilators, existing within the state to ensure that such agents are distributed and utilized appropriately. Any person who is aggrieved by a decision made by the commissioner and approved by the governor with respect to the restriction or rationing of the use, sale, dispensing, distribution, or transportation of such agents, and mechanical equipment such as ventilators may request a hearing in the superior court to contest that order. Hearings held under this section shall conform to the provisions of RSA 141-C:16-a, III. Multiple requests for hearings under this section may be consolidated into one hearing if the underlying facts are similar, the court deems such consolidation to be appropriate, and the court determines that such consolidation will adequately satisfy the due process rights of the persons who requested a hearing. Such decisions made by the commissioner and approved by the governor relative to any agents or equipment that has not been dispensed or allocated to any individual pursuant to this section shall be effective immediately and shall remain in effect in accordance with this section unless the superior court issues a decision directing otherwise.

Rep. Rosenwald spoke in favor.

Floor amendment (2184h) adopted.

Committee report as amended adopted and ordered to third reading.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, May 11, 2006 at 10:00 a.m. Adopted.

LATE SESSION

Third reading and final passage

SB 374-FN, relative to the state children's health insurance program.

SB 200-FN, establishing the uniform athlete agents act.

SB 225-FN-A, relative to horse and dog racing.

SB 295-FN, relative to registration of business entities.

SB 363-FN-A-L, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor.

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor.

SB 308-FN-A, making an appropriation for school building aid.

SB 322, establishing the business loan enhancement program and relative to the capital asset backed guarantee program.

SB 339, changing certain job titles and responsibilities in the department of transportation.

SB 387, relative to energy efficiency loans and guarantees by the business finance authority.

SB 364-FN-A, relative to funding of the fish and game search and rescue fund and making an appropriation therefor.

SB 400-FN, relative to highway welcome signs.

SB 376-FN-A, relative to revenues dedicated to the education trust fund.

SB 371-FN, relative to the continuation of certain wetlands fees.

SB 399-FN, relative to the powers of state government in the event of a pandemic.

UNANIMOUS CONSENT

Rep. Bettencourt addressed the House.

Rep. Belanger moved that Rep. Bettencourt's remarks be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Bettencourt: Thank you, Mr. Speaker. Honorable members of the General Court, I again have the unwelcome duty to rise before you this afternoon on a sad note. On Tuesday, May 2, 2006, the town of Salem and the state of New Hampshire lost another of its best and brightest citizens. We lost another of our heroes. Marine Lance Corporal Robert Moscillo, a 2003 graduate of Salem High School, died early Tuesday when the Humvee he was riding in struck a land mine and killed him. Robert Moscillo was 21 years old. Robert Moscillo was the son of Frank and Donna Moscillo. He will be remembered as an athletic, spiritual young man who was considering a career in the church after his service in the Marines. He earned the nickname "Rob the Job" for his physical toughness, mental discipline, and his unwavering sense of duty to his family and his country. His family remembered that just as Robert Moscillo always kept an eye out and sought to protect his family, he joined the Marines because he also felt as though he was protecting his country. He joined the Marines because he wanted to make his family proud. In addition to his sister, his parents, and his two younger brothers, Robert Moscillo has made us all proud. As you can imagine this is a very difficult time for the Moscillo family, the Salem community, and indeed, all of New Hampshire. May we always be eternally grateful for the sacrifice of Robert Moscillo and all of New Hampshire's heroes who have given the last full measure of devotion to keep us safe and free. This afternoon I could not be more honored and feel more privileged to be a life-long resident of Salem, New Hampshire. Sadly, this is the second hero from Salem who has lost his life in Iraq, but through this tremendous sadness of those losses is a tremendous pride to see the quality and caliber of an individual that our community and our state has produced. May we say of Lance Corporal Moscillo, and all of the men and women of honor and courage who fight to keep us safe across the world, in the words of President Ronald Reagan, "We will always remember, we will always be proud, we will always be prepared so we may always be free." May God bless Marine Lance Corporal Robert Moscillo and all of New Hampshire's fallen heroes. Mr. Speaker, I would respectfully request a moment of silence.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports and receiving Senate messages only.

Adopted.

The House recessed at 4:35 p.m.

RECESS

(Rep. Daniel Eaton in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill number 1634 and Senate Bills numbered 255, 265, 318, 335, 348, 369, and 370.

Rep. Currier, Sen. Clegg for the Committee

ENROLLED BILL AMENDMENTS

SB 24, relative to disposition upon death of patient accounts in nursing homes. (Amendment printed SJ 05/11/06)

Adopted.

SB 273, relative to reasonable accommodations for employees with disabilities. (Amendment printed SJ 05/11/06)

Adopted.

SENATE MESSAGES**CONCURRENCE**

HB 298, relative to consolidating statutes relating to driving while intoxicated.

HB 459, relative to access to criminal records and enhanced 911 system records.

- HB 689-FN*, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases.
- HB 1157*, relative to the definition of a sending district.
- HB 1191*, making technical corrections to the chapter governing vital records.
- HB 1201*, relative to child passenger restraints.
- HB 1249-FN-A-L*, relative to state reimbursement for school breakfasts and making an appropriation therefor.
- HB 1260*, relative to informing first-time driver's license applicants of the controlled drug laws.
- HB 1278*, increasing the fine for violating certain laws relative to labor.
- HB 1317*, relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.
- HB 1351*, relative to the rulemaking process.
- HB 1357*, relative to the legislative facilities committee.
- HB 1377*, relative to certain mandatory minimum sentences.
- HB 1436-L*, authorizing municipal and county biennial budgets for a 24-month period.
- HB 1444-FN*, relative to definitions under the real estate transfer tax.
- HB 1458-FN*, relative to the regulation of landscape architects.
- HB 1477*, implementing the federal Law Enforcement Officers Safety Act of 2004.
- HB 1478*, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions.
- HB 1480*, amending the provisions relative to registration of criminal offenders.
- HB 1521*, relative to the membership of the juvenile parole board.
- HB 1526*, relative to the composition of the medical review subcommittee of the medical review board.
- HB 1530*, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place.
- HB 1546*, relative to patient information.
- HB 1566*, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.
- HB 1588*, relative to unemployment compensation requirements for governmental and non-profit employers.
- HB 1593-FN-L*, relative to the construction of high school athletic fields in the town of Bedford.
- HB 1611-FN*, relative to reimbursement for personal care services.
- HB 1683-FN*, establishing a homestead food license for residential, non-commercial kitchens.
- HB 1687*, extending certain studies and adding a certain duty relative to pharmacy reimbursement.
- HB 1725-FN*, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases.
- HB 1745-FN*, relative to methamphetamine-related crimes involving children and incapacitated adults.
- HB 1756*, relative to alternative regulation of small incumbent local exchange carriers.
- HB 1763*, extending a committee and adding certain duties relative to pharmacy reimbursement.
- HB 1764*, relative to the committee to study medicaid reimbursement rates for pharmacy providers.
- CACR 41*, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards.

NONCONCURRENCE

- HB 397*, relative to authority to file an abuse or neglect petition under the Child Protection Act.
- HB 588*, relative to suspension of drivers' licenses after a motor vehicle accident.
- HB 591*, relative to the inclusion of health insurance in the calculation of child support.
- HB 1216*, relative to the sale of unpasteurized milk.
- HB 1289*, relative to Pennichuck Brook and its watershed.
- HB 1311-FN-A*, relative to the electronic filing of reports and applications with the secretary of state.
- HB 1333*, relative to solid waste reduction goals.
- HB 1366*, relative to a planning board's authority to require public access to open space as a condition of subdivision approval.

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot.
HB 1437, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs.
HB 1534, relative to maintaining construction and demolition debris as a solid waste.
HB 1501, making various changes to the lottery commission.
HB 1580, relative to the child support formula.
HB 1608-FN-A, making appropriations to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage.
HB 1627, relative to the assessment of open space land.

RECESS

(Rep. Dokmo in the Chair)

ENROLLED BILL AMENDMENT

SB 382, relative to the guardian ad litem board. (Amendment printed SJ 05/11/06)
Adopted.

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 17

Thursday, May 11, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

God of unfailing energy and infinite patience, Comforter of the afflicted and Afflicter of the comfortable, stiller of storms and Rocker of boats, we pause at the beginning of this day to be reminded both who we are and whose we are. Give us a sense of wonder in the minutia of the everyday. Let us never grow weary of the small, good things of our lives. Yet, let us neither tire of thinking bigger or dreaming beyond what we are. O God, in our work today, help us to strike a balance between digging in our heels and extending our hands. Let there be healthy tugging today, not in a spirit of war, but in a spirit of creative conversation. Let something new and promising happen today, and, if it be Your will, grant us the privilege of being its vessels.

We pray this morning for the healing of those in our midst who are hurting or ill today. And we offer up our concerns for all in harms way; men and women in the armed services, civilians of other tongues and traditions whose children need their care; people who are overrun by poverty and refugees who have nowhere left to run. All this we pray in Your Holy Name. Amen.

Rep. Beverly T. Rodeschin, member from Newport, led the Pledge of Allegiance.

The National Anthem was sung by Emily and Stephanie Langlais, daughters of Rep. Langlais, and their friend Michaela Donovan, members of the St. John the Baptist Children's Choir.

LEAVES OF ABSENCE

Reps. Bishop, Jennifer Brown, Callaghan, Carlson, Chabot, Donahue, Heon, Hunter, Phyllis Katsiakores, Lefebvre, Putnam, Serlin, Snyder and Weldy, the day, illness.

Reps. Abbott, Ahlgren, Bishop, Brassard, Bridle, Buco, David Campbell, Lars Christiansen, Mark Clark, Domingo, Dumaine, Fesh, James Garrity, Golding, Goley, Hebert, Hollinger, Ingbretson, Kaen, Knox, Mary Ellen Martin, McKinney, McRae, Moody, Rochette, Scanlon and Spang, the day, important business.

Reps. Biundo, Kopka and Mears, the day, illness in the family.

Rep. Norelli, the day, death in the family.

INTRODUCTION OF GUESTS

Joanne, Joshua, Johnathan and Michael Langlais, wife and sons of Rep. Langlais. Ben and Lucy Edwards, guests of Rep. Joy Tilton. Joseph and Cecilia Geiger, guests of Rep. Mooney. Adrian and Deanna Pappas, guests of Rep. Major. Roberto Fuentes and Bil Bonnice, guests of Rep. Harvey. Julia Steed Mawson and Janelle George, guests of Rep. Beaulieu. Lancaster Elementary School 4th grade class, guests of the Lancaster delegation. Curt and Ellen Laffin, Gary, Emily and Curt Provencher and Carol Quinn, parents, husband, children, and aunt of today's award winner, guests of the House. Kathy Sgambati, Tricia Lucas and Sen. D'Allesandro, past award winners, guests of the House.

AWARD PRESENTATION

Catherine A. Provencher, Director of Audits, Legislative Budget Assistant Office of the General Court, was presented the 2006 Caroline L. Gross Fellowship by Lewis Feldstein, New Hampshire Charitable Foundation, Martin Gross, widower of Caroline Gross and Michael L. Buckley, Legislative Budget Assistant, LBAO. The annual award honors one's extraordinary dedication to public service.

SENATE MESSAGES**REQUESTS CONCURRENCE WITH AMENDMENTS**

HB 529, relative to the determination of parental rights and responsibilities. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Itse, Bickford, Cady and Matarazzo.

HB 587, relative to child abuse and neglect investigations by the department of health and human services. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Itse, Souza, Ginsburg and Walz.

HB 1516, relative to the modification and enforcement of child support orders. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bickford, Itse, Foote and Walz.

HB 1720-FN, relative to notice of parent liability in CHINS proceedings. (Amendment printed SJ 04/20/06)

Rep. Moran moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bickford, Foote, Flockhart and Walz.

(Deputy Speaker Weyler in the Chair)

SENATE MESSAGES (CONT'D.)

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders. (Amendments printed SJ 05/03/06)

Rep. Sheila Francoeur moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sheila Francoeur, Charles Clark, Stepanek and Reardon.

HB 1692-FN, establishing the New Hampshire sexual predators act. (Amendment printed SJ 04/13/06)

Rep. Welch moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dowling, Tholl, Welch and Knowles.

HB 76, relative to distribution of state aid to charter schools. (Amendment printed SJ 05/04/06)

Rep. Stephen L'Heurux moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Balboni, Claire Clarke, Hughes and Rous.

Adopted.

HB 1613-FN, relative to polling place arrangement and accessibility. (Amendments printed SJ 04/20/06)

Rep. Whalley moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Drisko, Boehm, Whalley and Coates.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. (Amendments printed SJ 05/04/06)

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Burton Williams, Babson, Currier and Powers.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. (Amendments printed SJ 05/03/06)

Rep. Babson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Burton Williams, Babson, Phinizy and Patten.

HB 1574, relative to membership on the public employees deferred compensation commission. (Amendment printed SJ 05/04/06)

Rep. Bergin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bergin, Dexter, Houde-Quimby and Sheila Francoeur.

HB 1590-FN, relative to the pari-mutuel commission. (Amendment printed SJ 05/03/06)
Rep. Bergin moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Fitzgerald, Manney, Francis Sullivan, and Harding.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. (Amendment printed SJ 04/20/06)

Rep. Bergin moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Fitzgerald, Manney, Francis Sullivan and Velez.

HB 638-FN, relative to county and state financing of nursing home services. (Amendment printed SJ 05/04/06)

Rep. King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. King, Kurk, Rodeschin and Nordgren.

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state. (Amendment printed SJ 05/03/06)

Rep. King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Stone, Wheeler, King and Pappas.

HB 1697-FN, relative to certain state salaries. (Amendment printed SJ 05/03/06)

Rep. King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Robert Wheeler, Stone, Franklin and Bergin.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. (Amendment printed SJ 05/03/06)

Rep. King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Weyler, Eric Anderson, Marjorie Smith and Chandler.

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance. (Amendment printed SJ 05/03/06)

Rep. King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Hager, Wendelboe, Nordgren and MacKay.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor. (Amendments printed SJ 05/04/06)

Rep. King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Robert Wheeler, Stone, Kurk and Daniel Eaton.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program. (Amendments printed SJ 05/04/06)

Reps. Batula and King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Batula, Hager, MacKay and Wallner.

HB 1332, establishing a commission to study health care in New Hampshire correctional facilities. (Amendment printed SJ 05/04/06)

Rep. Batula moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. MacKay, Chaplin, Barry and Schulze.

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. (Amendment printed SJ 05/04/06)

Rep. Dokmo moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Dokmo, Mooney, Rowe and Wall.

HB 1761, relative to hold over tenants in vacation or recreational rental units. (Amendments printed SJ 05/04/06)

Rep. Dokmo moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. O'Neil, Dokmo, O'Brien, and Lasky.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination. (Amendment printed SJ 05/04/06)

Rep. Infantine moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Infantine, Balboni, Gorman and Carson.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel. (Amendment printed SJ 05/03/06)

Rep. Infantine moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Sheila Francoeur, Infantine, Stella Scamman and Hofemann.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts. (Amendment printed SJ 05/04/06)

Rep. Infantine moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Sheila Francoeur, Infantine, Bishop and DeStefano.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits. (Amendment printed SJ 05/03/06)

Reps. Infantine and King moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Infantine, O'Neil, Herbert Richardson and Goley.

HB 1752, requiring notice regarding the classifications of employee and independent contractor. (Amendment printed SJ 05/04/06)

Rep. Infantine moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Infantine, O'Neil, Adams and Gorman.

HB 1508, relative to acceptance of applications by planning boards. (Amendment printed SJ 05/04/06)

Rep. Patten moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Dowd, Brundige, Patten and Nancy Johnson.

HB 1343, relative to the duties of the council on resources and development. (Amendment printed SJ 05/03/06)

Rep. Chandler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Chandler, Rausch, Waterhouse and Cloutier. Alternate: Graham.

HB 1426, granting a right-of-way over state-owned land. (Amendments printed SJ 04/20/06)

Rep. Chandler moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Graham, David Campbell, O'Connell and Bouchard.

HB 1315, relative to the definition and classification of dams. (Amendments printed SJ 04/20/06 and 05/03/06)

Rep. Currier moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Currier, Irish, Ahlgren and Spang.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. (Amendments printed SJ 04/13/06 and 05/03/06)

Rep. Currier moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Currier, Major, Sanders and Cilley.

HB 1463-FN, relative to boating and water safety. (Amendment printed SJ 04/20/06)

Rep. Currier moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Currier, Chris Christensen, Russell and Brueggemann.

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. (Amendment printed SJ 04/20/06)

Rep. Currier moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Currier, Mary Ellen Martin, Keans and Spang.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting. (Amendments printed SJ 05/03/06)

Rep. Currier moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Currier, Bergin, Russell and Parkhurst.

HB 1146, establishing a committee to study renewable portfolio standards. (Amendment printed SJ 05/04/06)

Rep. Ross moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Ross, Ober, Hansen and Cali-Pitts.

HB 1690, relative to renewable energy. (Amendments printed SJ 04/20/06 and 05/04/06)

Rep. Ross moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. King, O'Neil, Ross and Bouchard.

HB 1758, classifying biodiesel as a renewable energy source. (Amendments printed SJ 05/04/06)

Rep. Ross moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Maxfield, Slocum, Kaen and Stohl.

HB 592, relative to the child support guidelines. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 1214, establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 1285, making certain technical corrections to the adoption statute. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House concur and spoke in favor.
Adopted.

HB 1424, relative to persons permitted to attend child abuse and neglect hearings. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

HB 1583, relative to grounds for modification of parental rights and responsibilities. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

HB 1585, relative to enforcement of orders regarding parenting plans. (Amendment printed SJ 05/04/06)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

HB 1648-FN, relative to legal residency and financial liability for children in certain residential placements. (Amendments printed SJ 05/03/06)

Rep. Moran moved that the House concur and spoke in favor.

Adopted.

HB 203-FN, relative to the regulation of tracking devices and establishing a commission on the use of tracking devices. (Amendments printed SJ 04/13/06)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

HB 678-FN, relative to the insurance premium tax. (Amendment printed SJ 05/04/06)

Rep. Sheila Francoeur moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Sheila Francoeur, Reardon, Major and Robert Wheeler.

HB 1192, relative to property and casualty insurance. (Amendment printed SJ 05/03/06)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

HB 1274, relative to certain disclosures to the department of health and human services. (Amendment printed SJ 05/04/06)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

HB 1295, requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers. (Amendment printed SJ 05/04/06)

Rep. Sheila Francoeur moved that the House concur and spoke in favor.

Adopted.

HB 385, establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system. (Amendment printed SJ 05/04/06)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 627-FN, relative to including persons 17 years old in the juvenile justice system. (Amendments printed SJ 04/20/06)

Reps. Welch and King moved that the House concur.

Rep. Dowling spoke in favor.

Adopted.

HB 645-FN, relative to fire-safer cigarettes. (Amendments printed SJ 05/03/06)

Reps. Welch and Major moved that the House concur.

Rep. Weare spoke in favor.

Adopted.

HB 1335, relative to the authority of law enforcement officers during a state of emergency. (Amendment printed SJ 04/20/06)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 1386, relative to exceptions to the prohibition on carrying and selling knives. (Amendment printed SJ 05/04/06)

Rep. Welch moved that the House concur, spoke in favor and yielded to questions.

Adopted.

HB 1435, relative to the emergency plan for service animals. (Amendments printed SJ 05/04/06)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 1625, establishing penalties for guardians ad litem who fail to file reports which are required by the court. (Amendment printed SJ 05/04/06)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 1662-FN, establishing the crime of peonage. (Amendment printed SJ 04/13/06)

Rep. Welch moved that the House concur, spoke in favor and yielded to questions.

Rep. Soltani spoke against.

On a division vote, 218 members having voted in the affirmative and 76 in the negative, the motion was adopted.

(Speaker Scamman in the Chair)

SENATE MESSAGES (CONT'D.)

HB 1667-FN, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine. (Amendment printed SJ 04/20/06)

Rep. Welch moved that the House concur and spoke in favor.

Adopted.

HB 1113, adding a definition of "public academy" to the definition of "high school." (Amendment printed SJ 05/04/06)

Rep. Stephen L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 1241-FN-L, extending the kindergarten construction aid program. (Amendment printed SJ 05/03/06)

Reps. Stephen L'Heureux and King moved that the House concur.

Rep. Stephen L'Heureux spoke in favor.

Adopted.

HB 1567, relative to removing names from the checklist. (Amendment printed SJ 04/20/06)

Rep. Whalley moved that the House concur and spoke in favor.

Adopted.

The House recessed at 12:10 p.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 2:10 p.m.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 689, 1249, 1273, 1278, 1478, 1588, 1593, 1611, 1683, 1725 and 1745.

Rep. Currier, Sen. D'Allesandro for the Committee

SENATE MESSAGES

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. The President appointed Sens. Flanders, Barnes and Gottesman.

HB 349, relative to placement and removal of political advertising. The President appointed Sens. Roberge, Flanders and Hassan.

HB 582, relative to the policy for records management. The President appointed Sens. Morse, Odell and Burling.

HB 1238-FN, relative to centralized voter registration database information. The President appointed Sens. Green, Bragdon and Larsen.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. The President appointed Sens. Barnes, Kenney and Larsen.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 1265, establishing the council on the relationship between public health and the environment. (Amendment printed SJ 04/20/06)

Rep. Babson moved that the House concur and spoke in favor.
Adopted.

HB 1433, establishing a committee to study secured landfills and establishing a moratorium on the incineration of construction and demolition waste. (Amendment printed SJ 04/13/06)

Rep. Babson moved that the House concur and spoke in favor.
Adopted.

HB 1337, establishing the amusement ride safety advisory board. (Amendment printed SJ 04/20/06)

Rep. Bergin moved that the House concur and spoke in favor.

Adopted.

HB 1671-FN, relative to the regulation of dentists and dental hygienists by the board of dental examiners. (Amendments printed SJ 04/13/06)

Rep. Bergin moved that the House concur and spoke in favor.
Adopted.

HB 1696-FN, relative to the cremation of human remains. (Amendments printed SJ 04/13/06 and 05/03/06)

Rep. Bergin moved that the House concur and spoke in favor.
Adopted.

HB 1711-FN, relative to the regulation of fuel gas fitters. (Amendment printed SJ 04/20/06)

Rep. Bergin moved that the House concur and spoke in favor.
Adopted.

HB 1735-FN, relative to awarding the state employees' health insurance plan. (Amendment printed SJ 04/20/06)

Reps. Bergin and King moved that the House concur.
Rep. Bergin spoke in favor.
Adopted.

HB 1167-FN-A, making an appropriation to the land and community heritage investment program. (Amendments printed SJ 05/03/06)

Rep. King moved that the House concur.
Rep. Hager spoke in favor.

On a division vote, 195 members having voted in the affirmative and 76 in the negative, the motion was adopted.

Rep. Mirski declared a conflict of interest and did not participate.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor. (Amendment printed SJ 05/03/06)

Rep. Robert L'Heureux moved that the House concur and spoke in favor.

Adopted.

HB 690-FN, relative to aid to the needy blind and relative to undue hardship for public assistance. (Amendment printed SJ 04/13/06)

Reps. Batula and King moved that the House concur.

Rep. MacKay spoke in favor.

Adopted.

HB 1204, relative to human immunodeficiency virus education, prevention and control.

Rep. Batula moved that the House concur. (Amendment printed SJ 05/04/06)

Reps. MacKay and Batula spoke in favor and yielded to questions.

Reps. Kurk, Mirski and Vaillancourt spoke against.

Rep. John Flanders moved the previous question.

Adopted.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

YEAS 59 NAYS 236

YEAS 59 BELKNAP

Clark, Charles
Veazey, John

Fitzgerald, James
Whalley, Michael

Russell, David

Tilton, Franklin

CARROLL

Brown, Carolyn

Martin, James

Patten, Betsey

CHESHIRE

Butynski, William
Foote, Sheila

Dexter, Judson
Hunt, John

Emerson, Susan
Sawyer, Sheldon

Espiets, Peter

COOS

Lary, Bruce

Tholl, John Jr

GRAFTON

Eaton, Stephanie

Mulholland, Catherine

HILLSBOROUGH

Batula, Peter
Drisko, Richard
L'Heureux, Robert
Renzullo, Andrew

Bergin, Peter
Emerton, Larry
Pilotte, Maurice
Ross, Lawrence

Brundige, Robert
Gargas, Carolyn
Price, Pamela
Slocum, Lee

Coughlin, Pamela
Infantine, William
Reeves, Sandra

MERRIMACK

French, Barbara

Hager, Elizabeth

L'Heureux, Stephen

MacKay, James

ROCKINGHAM

Gillick, Thomas
Mason, April
Rausch, James
Waterhouse, Kevin

Gould, Kenneth
McMahon, Charles
Sanders, Elisabeth
Winchell, George

Ingram, Russell
O'Neil, Michael
Scamman, Stella

Major, Norman
Packard, Sherman
Stone, Joseph

STRAFFORD

Bickford, David

Brown, Julie

Chaplin, Duncan

SULLIVAN

Gale, Harry

Prichard, Stephen

Rodeschin, Beverly

NAYS 236**BELKNAP**

Allen, Janet	Boyce, Laurie	Flanders, Donald	Millham, Alida
Morrison, Gail	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Thomas, John	Tobin, William	Wendelboe, Fran	

CARROLL

Babson, David Jr	Buco, Thomas	Chandler, Gene	Dickinson, Howard
Merrow, Harry	Olimpio, J Lisbeth	Stevens, Stanley	

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dunn, J Timothy	Eaton, Daniel	Hogancamp, Deborah	Mitchell, Bonnie
Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John	Richardson, Barbara
Roberts, Kris	Robertson, Timothy	Tilton, Anna	Weed, Charles

COOS

King, Frederick	Merrick, Scott	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	

GRAFTON

Aguiar, James	Almy, Susan	Benn, Bernard	Cooney, Mary
Gionet, Edmond	Hammond, Lee	Harding, A Laurie	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Nordgren, Sharon	Sokol, Hilda
Solomon, Peter	Sorg, Gregory	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Balboni, Michael	Baroody, Benjamin	Barry, J Gail
Beaulieu, Jane	Bergeron, Jean-Guy	Boehm, Ralph	Buhlman, David
Calawa, Leon Jr	Carew, James	Chase, Claudia	Christensen, D L Chris
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian	Dokmo, Cynthia
Dyer, Donald	Egbers, Fran	Elliott, Nancy	Essex, David
Foster, Linda	Francoeur, Bea	Gibson, John	Ginsburg, Ruth
Gorman, Mary	Goyette, Peter Jr	Graham, John	Hall, Betty
Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton	Holden, Randolph
Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette	Johnson, Paula
Kurk, Neal	Lasky, Bette	Lawrence, James	Manney, Pamela
Matarazzo, Anthony Sr	Mead, Robert	Messier, Irene	Moran, Edward
Movsesian, Lori	O'Brien, William	O'Connell, Timothy	Pappas, Christopher
Pepino, Leo	Rosenwald, Cindy	Rowe, Robert	Ryder, Donald
Schulze, Joan	Shattuck, Gilman	Shaw, Barbara	Shaw, Kimberly
Smith, David	Souza, Kathleen	Sullivan, Francis	Sullivan, Peter
Ulery, Jordan	Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James
Wheeler, Robert			

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire
Currier, David	Danforth, James	DeStefano, Stephen	Field, William
Foose, Robert	Gile, Mary	Hamm, Christine	Kennedy, Richard
Kidder, David	Klose, John	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	McMahon, Patricia	Osborne, Jessie	Owen, Derek
Potter, Frances	Reardon, Tara	Reed, Dennis	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Soltani, Tony	Tilton, Joy
Tupper, Frank	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert	Yeaton, Charles		

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Brown, C. Pennington
Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Casey, Kimberley	Charron, Gene	Coburn, James
DiFruscia, Anthony	Dowd, John	Dowling, Patricia	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Gilbert, Karl
Griffin, Mary	Headd, James	Hopfgarten, Paul	Hughes, Daniel
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Kobel, Rudolph	Langley, Jane	Lund, Howie	Morris, Richard
Nowe, Ronald	Palazzo, Frank	Powers, James	Priestley, Anne
Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl	Robinson, John
Rolston, James	Splaine, James	Stiles, Nancy	Weare, E Albert
Welch, David	Wells, Roger	Weyler, Kenneth	Wiley, Robert
Zolla, William			

STRAFFORD

Berube, Roger	Brown, Lawrence	Campbell, W Packy	Cilley, Jacalyn
Creteau, Irene	Domingo, Baldwin	Dunlap, Patricia	Hofemann, Roland
Johnson, Nancy	Keans, Sandra	Knowles, William	Miller, Joseph
Rollo, Michael	Rous, Emma	Schmidt, Peter	Smith, Marjorie
Taylor, Kathleen	Twombly, James	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Osgood, Philip Sr

Phinizy, James

and the motion failed.

Rep. Kurk moved that the House nonconcur.

Adopted.

HB 1346, requiring certain persons to keep the contents of prescriptions confidential. (Amendment printed SJ 05/04/06)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 1427, relative to guiding principles for developmentally disabled services. (Amendment printed SJ 05/04/06)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. (Amendment printed SJ 05/04/06)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. (Amendment printed SJ 05/04/06)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 1672-FN, relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries. (Amendments printed SJ 04/20/06 and 05/04/06)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 1741, relative to reporting requirements concerning infections in hospitals. (Amendment printed SJ 05/03/06)

Rep. Batula moved that the House concur and spoke in favor.

Adopted.

HB 1116, relative to service of the notice to quit and writ of summons in landlord tenant actions. (Amendment printed SJ 05/04/06)

Rep. Dokmo moved that the House concur and spoke in favor.

Adopted.

HB 1206, relative to the assessing standards board. (Amendment printed SJ 05/04/06)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 1305-L, authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits. (Amendment printed SJ 05/04/06)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

HB 1679-FN-L, relative to the property tax exemption for university system property. (Amendment printed SJ 04/13/06)

Rep. Patten moved that the House concur and spoke in favor.

Adopted.

Rep. Easson declared a conflict of interest and did not participate.

HB 1223, relative to the use of real estate brokers by the department of transportation. (Amendment printed SJ 05/04/06)

Rep. Chandler moved that the House concur.

Rep. Graham spoke in favor.

Adopted.

HB 2006, relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of N.H. 101, and a bridge crossing the Merrimack. (Amendment printed SJ 05/04/06)

Rep. Chandler moved that the House concur and spoke in favor.

Adopted.

HB 1417-FN, establishing gold star number plates. (Amendment printed SJ 04/20/06)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

HB 1448, relative to the applicability of drivers' license revocations for drugs or alcohol involvement. (Amendment printed SJ 05/04/06)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

HB 1470, relative to overweight vehicle permit fees. (Amendment printed SJ 05/04/06)

Reps. Packard and Major moved that the House concur and spoke in favor.

Adopted.

HB 1581, relative to drivers' licenses issued to persons under the age of 21. (Amendment printed SJ 05/04/06)

Rep. Packard moved that the House concur and spoke in favor.

Adopted.

HB 1624-FN, relative to boat noise. (Amendment printed SJ 04/20/06)

Reps. Packard and Welch moved that the House concur.

Rep. Packard spoke in favor.

Adopted.

HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing. (Amendment printed SJ 04/20/06)

Rep. Major moved that the House concur and spoke in favor.

Adopted.

HB 1410-FN-L, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. (Amendment printed SJ 04/20/06)

Rep. Welch moved that the House nonconcur.

Adopted.

HB 153-FN, relative to the collection of debts owed to the state. (Amendments printed SJ 01/18/06 and 02/02/06)

Rep. Bergin moved that the House nonconcur.

Adopted.

HB 1298, establishing a study committee to evaluate disciplinary procedures of the board of medicine. (Amendment printed SJ 05/04/06)

Rep. Bergin moved that the House nonconcur.

Adopted.

HB 1656, establishing an electronic toll collection transponder inventory fund. (Amendment printed SJ 05/03/06)

Rep. King moved that the House nonconcur.

Adopted.

HB 1121-L, establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care. (Amendment printed SJ 05/04/06)

Rep. Batula moved that the House nonconcur.

Rep. MacKay spoke in favor.

Adopted.

HB 1512, establishing a committee to study volunteer activity related to transportation. (Amendment printed SJ 05/04/06)

Rep. Dokmo moved that the House nonconcur.

Adopted.

HB 1582, prohibiting New Hampshire from participating in a national identification card system. (Amendment printed SJ 05/04/06)

Rep. Packard moved that the House nonconcur.

Motion failed.

Rep. Kurk moved that the House nonconcur and request a Committee of Conference.

Rep. Vaillancourt spoke in favor.

Adopted.

The Speaker appointed Reps. Packard, Nedeau, Ferland and Kurk.

SENATE MESSAGES

NONCONCURS WITH AMENDMENTS

REQUESTS COMMITTEE OF CONFERENCE

SB 403, relative to verification of identity when a person registers or attempts to vote.

The President appointed Sens. Green, Barnes and Hassan.

Rep. Whalley moved that the House accede.

Adopted.

The Speaker appointed Reps. Whalley, Reeves, Boehm and Harvey.

SB 250, relative to lead paint poisoning prevention.

The President appointed Sens. Martel, Eaton and D'Allesandro.

Rep. Babson moved that the House accede.

Adopted.

The Speaker appointed Reps. Babson, Olympio, Tobin and Essex.

SB 388, relative to farm composting and pesticides.

The President appointed Sens. Odell, Johnson and Hassan.

Rep. Babson moved that the House accede.

Adopted.

The Speaker appointed Reps. O'Connell, Babson, Sawyer and Essex.

SB 374-FN, relative to the state children's health insurance program.

The President appointed Sens. Green, Barnes and Larsen.

Reps. Sheila Francoeur and King moved that the House accede.

Adopted.

The Speaker appointed Reps. Stepanek, Hunt, Stella Scamman and DeStefano.

SB 339, changing certain job titles and responsibilities in the department of transportation.

The President appointed Sens. Morse, O'Dell and Larsen.

Reps. Bergin and King moved that the House accede.

Adopted.

The Speaker appointed Reps. Bergin, Dexter, Irwin and Gould.

SB 352-FN, relative to the regulation of real estate appraisers.

The President appointed Sens. Gallus, Letourneau and Larsen.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Dexter, Hawkins, Irwin and Ricia McMahon.

SB 358-FN, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients.

The President appointed Sens. Martel, Kenney and Fuller Clark.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Dalrymple, Millham, Houde-Quimby and Irwin.

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

The President appointed Sens. Kenney, Roberge and Larsen.

Rep. Bergin moved that the House accede.

Adopted.

The Speaker appointed Reps. Ryder, Coburn, Pillotte and Francis Sullivan.

SB 287-FN, making certain changes to the eminent domain statute.

The President appointed Sens. Green, Letourneau and Gottesman.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Mooney, Dokmo, Buxton and Shurtleff.

SB 336, relative to security deposits in landlord tenant matters.

The President appointed Sens. Gallus, Martel and Hassan.

Rep. Dokmo moved that the House accede.

Adopted.

The Speaker appointed Reps. Sorg, Hunt, Buxton and Shurtleff.

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

The President appointed Sens. Johnson, Gallus and Hassan.

Rep. Currier moved that the House accede.

Adopted.

The Speaker appointed Reps. Currier, D.L. Chris Christensen, Sanders and Spang.

SB 371-FN, relative to the continuation of certain wetlands fees.

The President appointed Sens. Gallus, Green and Hassan.

Rep. Major moved that the House accede.

Adopted.

The Speaker appointed Reps. Camm, Lund, Carson and Almy.

SB 376-FN-A, relative to revenues dedicated to the education trust fund.

The President appointed Sens. Clegg, Morse and D'Allesandro.

Rep. Major moved that the House accede.

Adopted.

The Speaker appointed Reps. Major, Camm, Whalley and Almy.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 76, relative to distribution of state aid to charter schools.

The President appointed Sens. Green, Johnson and D'Allesandro.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination.

The President appointed Sens. Bragdon, Flanders and Hassan.

HB 529, relative to the determination of parental rights and responsibilities.

The President appointed Sens. Roberge, Odell and Foster.

HB 587, relative to child abuse and neglect investigations by the department of health and human services.

The President appointed Sens. Clegg, Odell and Gottesman.

HB 638-FN, relative to county and state financing of nursing home services.

The President appointed Sens. Morse, Green and Larsen.

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

The President appointed Sens. Clegg, Odell and Foster.

HB 678-FN, relative to the insurance premium tax.

The President appointed Sens. Gatsas, Clegg and D'Allesandro.

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

The President appointed Sens. Flanders, Roberge and Gottesman.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.

The President appointed Sens. Clegg, Flanders and Gottesman.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

The President appointed Sens. Morse, Gatsas and Fuller Clark.

HB 1332, establishing a commission to study health care in New Hampshire correctional facilities.

The President appointed Sens. Letourneau, Martel and Fuller Clark.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

The President appointed Sens. Barnes, Gallus and D'Allesandro.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

The President appointed Sens. Johnson, Gallus and Burling.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability.

The President appointed Sens. Green, Barnes and Larsen.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor.

The President appointed Sens. Green, Morse and Estabrook.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits.

The President appointed Sens. Green, Morse and D'Allesandro.

HB 1516, relative to the modification and enforcement of child support orders.

The President appointed Sens. Roberge, Letourneau and Gottesmann.

HB 1574, relative to membership on the public employees deferred compensation commission.

The President appointed Sens. Kenney, Flanders and Fuller Clark.

HB 1590-FN, relative to the pari-mutuel commission.

The President appointed Sens. Barnes, Gallus and D'Allesandro.

HB 1613-FN-L, relative to polling place arrangement and accessibility.

The President appointed Sens. Bragdon, Barnes and Hassan.

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state.
The President appointed Sens. Morse, Green and Estabrook.

HB 1692-FN, establishing the New Hampshire sexual predators act.
The President appointed Sens. Gatsas, Clegg and Foster.

HB 1697-FN, relative to certain state salaries.
The President appointed Sens. Green, Clegg and D'Allesandro.

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.
The President appointed Sens. Morse, Gatsas and D'Allesandro.

HB 1720-FN, relative to notice of parent liability in CHINS proceedings.
The President appointed Sens. Letourneau, Roberge and Foster.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.
The President appointed Sens. Boyce, Odell and D'Allesandro.

HB 1761, relative to hold over tenants in vacation or recreational rental units.
The President appointed Sens. Clegg, Roberge and Gottesman.

REMOVED FROM THE TABLE

Rep. Major moved that **HR 24**, affirming revenue estimates for fiscal years 2006 and 2007, be removed from the table.

Adopted.

The pending question is Ought to Pass.

Rep. Major offered floor amendment (2229h).

Floor Amendment (2229h)

Amend the resolution by replacing all after the title with the following:

Whereas, the House Ways and Means Committee has considered what the unrestricted revenue estimates should be for fiscal years 2006 and 2007 and has presented those estimates to the House of Representatives; now, therefore, be it

Resolved by the House of Representatives:

That the House wishes to go on record as affirming the following revenue estimates for fiscal years 2006 and 2007.

Committee estimates are based on current rates.

	(A) FY 2006	(B) FY 2006	(C) FY 2007	(D) FY 2007
GEN'L & ED TRUST FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Official Estimate	Committee Estimate
Business Profits Tax	\$280.200	\$308.000	\$298.600	\$312.800
Business Enterprise Tax	211.400	232.400	225.300	236.100
Subtotal	491.600	540.400	523.900	548.900
Meals & Rooms Tax	206.300	201.800	217.600	213.100
Liquor Sales	122.500	122.500	129.000	129.000
Interest & Dividends Tax	70.300	75.800	73.300	76.000
Insurance Tax	92.600	90.100	95.300	91.800
Tobacco Tax	144.500	144.500	144.500	142.500
Other	58.500	58.500	61.100	61.100
Communications Tax	71.300	71.300	74.100	74.100
Estate & Legacy Tax	6.800	6.800	4.100	4.100
Real Estate Transfer Tax	171.600	159.400	181.000	160.000

Court Fines & Fees	30.400	29.800	30.400	30.400
Utility Tax	6.400	6.400	6.600	6.600
Securities Revenue	30.000	30.000	31.500	31.500
Board & Care Revenue	13.500	14.300	14.000	14.000
Beer Tax	12.500	12.500	12.600	12.600
Horse Racing	2.000	2.300	2.000	2.300
Dog Racing	1.400	0.500	1.400	0.500
Tobacco Settlement Funds	43.000	39.000	43.000	38.500
SUBTOTAL	\$1,575.200	\$1,605.900	\$1,645.400	\$1,637.000

	(A) FY 2006	(B) FY 2006	(C) FY 2007	(D) FY 2007
Net Medicaid Enhancement Revenue	73.000	74.830	75.800	77.800
Utility Property Tax	22.800	21.800	24.100	23.100
Statewide Property Tax	363.000	363.000	363.000	363.000
Transfers from Lottery	75.000	80.600	78.000	77.900
Medicaid Recovery Regular Care	15.500	22.185	15.100	15.100
Medicaid Recovery Long Term Care	2.100	2.095	1.900	1.900
TOTAL	\$2,126.600	\$2,170.410	\$2,203.300	\$2,195.800

	(A) FY 2006	(B) FY 2006	(C) FY 2007	(D) FY 2007
HIGHWAY FUNDS: (Dollars in Millions)	Official Estimate	Committee Estimate	Official Estimate	Committee Estimate
Road Toll	132.000	130.000	134.200	130.000
Motor Vehicle Fees	87.200	85.200	93.900	93.900
Miscellaneous	10.400	10.400	10.400	10.400
TOTAL HIGHWAY FUNDS	\$229.600	\$225.600	\$238.500	\$234.300

FISH & GAME FUNDS:
(Dollars in Millions)

Fish & Game Licenses	8.300	7.700	8.300	7.700
Miscellaneous	1.200	1.600	1.200	1.500
TOTAL FISH & GAME FUNDS	\$9.500	\$9.300	\$9.500	\$9.200

Rep. Major spoke in favor and yielded to questions.

Floor amendment (2229h) adopted.

Motion of Ought to Pass as amended adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. O'Neil and Craig moved that House Rule 64 be so far suspended as to permit the deadline to sign off Committee of Conference Reports be changed to Friday, May 19, 2006 at 3:00 p.m.

Rep. O'Neil spoke in favor.

Adopted by the necessary two-thirds.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, May 24, 2006 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HR 24, affirming revenue estimates for fiscal years 2006 and 2007.

UNANIMOUS CONSENT

Reps. Rowe, Thomas, Stephanie Eaton, French and Rosen addressed the House.

Rep. O'Neil requested that the remarks of Rep. Thomas be printed in the Permanent Journal Adopted.

REMARKS

Rep. Thomas: Thank you, Mr. Speaker. Members of the House, not often do we get a chance to publicly acknowledge our citizens who very quietly work to make our state a better place. I would have said ordinary, but these folks are anything but ordinary, they are extraordinary. I am speaking of the citizen members and the legislative members of the Right-to-Know Oversight Commission. As a brief history, House Bill 606 of 2003 established a study committee to bring RSA 91-A into the modern age of ever-changing technologies. Because of the complexity of the issue and to avoid legislative down time, House Bill 41 was introduced changing the study committee to a five year oversight commission. The committee and subsequent commission met every other Friday for over two and one-half years. Even when the legislature went into recess that first year, the then committee met as an ad hoc group. The commission members, except for the legislative members, met their responsibilities on their own time and on their own dime. At that time their efforts were ridiculed, and many times criticized in the press. As a result of the first year and a half of work, House Bill 626 was introduced which brought forth the changes to RSA 91-A recommended by the commission. The House Judiciary Committee under the leadership of Rep. Cynthia Dokmo, and the commission worked together to further improve and refine the bill. The bill passed the House on a roll call vote of 266 to 41. After a brief look at the bill in the Senate, it was tabled. The Commission members, however, are still continuing their tasks. Because of this commitment by the hardworking members of the Right-to-Know Oversight Commission, I am compelled to publicly acknowledge these folks as I feel that they will not be otherwise. And these folks are: Attorney John Lassey Jr., the committee vice-chair; Attorney Peter Smith of Durham; Kristin Spath of the Attorney General's office; Mary Schwarzer of the Attorney General's office; Harry Haytayan, former Representative; Attorney Stephen Judge; James Pitts, the Bow Town Manager; Eileen Bolander; Daniel Harkinson; Peter Croteau of Administrative Services; Carol Holden of the Association of Counties and the Hillsborough County Commissioner; Dennis Pope, New Hampshire School Administrators Association; Thomas Reed of the Rockingham County Attorney's Office; Ronald Rodgers; Brian Burford, the Archivist for the state; Robert Blaisdell of the Demers Group and Cordell Johnson of the Municipal Association, who did an incredible amount of research; Rep. Harriet Cady; Rep. James Twombly; Rep. James Garrity; Rep. Jack Dowd; Rep. Peter Espieffs; Sen. Jack Barnes and the House Judiciary Committee. Thank you, very much.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments, enrolled bill reports, receiving Senate messages and forming Committee of Conferences only.
Adopted.

The House recessed at 4:50 p.m.

RECESS

(Rep. Drisko in the Chair)

ENROLLED BILL AMENDMENTS

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners.

Amendment (1916-EBA)

Amend RSA 318:1, XVI as inserted by section 2 of the bill by replacing line 5 with the following: complying with rules adopted pursuant to RSA 318:5-a, XV. Prescriptions may also apply to the Amend RSA 318:16-a, I(e) as inserted by section 6 of the bill by replacing line 2 with the following: programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum
Adopted.

HB 380, relative to absentee voting.

Amendment (1361-EBA)

Amend RSA 657:21-a, I as inserted by section 1 of the bill by replacing line 7 with the following: necessary to vote to be transported to the emergency services workers and to be returned to the town or

Amend RSA 657:21-a, VII as inserted by section 1 of the bill by replacing line 4 with the following: this section, to allow after-hours and weekend notification to the secretary of state that this section is Adopted.

HB 590, excluding stepchildren from the definition of "child" in the context of support orders.

Amendment (1523-EBA)

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect upon its passage.
Adopted.

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

Amendment (1421-EBA)

Amend section 6 of the bill by replacing line 5 with the following:

I. In this subdivision
Adopted.

HB 657-FN-L, relative to promoting community revitalization.

Amendment (1834-EBA)

Amend RSA 79-E:5, III as inserted by section 1 of the bill by replacing line 4 with the following: within and important to a locally designated historic district, provided that the substantial

Amend RSA 79-E:7, II as inserted by section 1 of the bill by replacing line 2 with the following: local, regional, state, or national level, either independently or within the context of an historic district, Amend RSA 79-E:9, II(b) as inserted by section 1 of the bill by replacing line 2 with the following: triplicate copy of the form shall be given to the collector of taxes for collection of the payment along Adopted.

HB 688-FN, relative to the regulation of mental health practitioners and the procedures of the board of mental health.

Amendment (2074-EBA)

Amend section 7 of the bill by replacing line 4 with the following:

complaints, and the final disciplinary actions by the board, including those actions that occur without Adopted.

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code and relative to lobbyist name tags.

Amendment (2108-EBA)

Amend RSA 382-A:1-103(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Unless displaced by the particular provisions of this chapter, the principles of law and equity, including the law of merchants and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, and other validating or invalidating causes supplement its provisions.

Amend RSA 382-A:1-201(b)(16) as inserted by section 1 of the bill by replacing line 3 with the following:

entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that Amend RSA 382-A:1-303(c) as inserted by section 1 of the bill by replacing lines 3-4 with the following:

respect to the transaction in question. The existence and scope of such a usage must be proved as fact. If it is established that such a usage is embodied in a trade code or similar record, the Adopted.

HB 1215, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown.

Amendment (2180-EBA)

Amend section 1 of the bill by replacing line 2 with the following:
by 1985, 160:1, to read as follows:
Adopted.

HB 1231-FN, relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer.

Amendment (1845-EBA)

Amend section 1 of the bill by replacing line 4 with the following:
enforcement officer, *a paid firefighter, volunteer firefighter, on-call firefighter, or licensed*
Adopted.

HB 1330, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments.

Amendment (2102-EBA)

Amend RSA 674:57 as inserted by section 2 of the bill by replacing line 6 with the following:
Map amendments are subject to appeal by owners and lessees of affected real property under
Adopted.

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation.

Amendment (1899-EBA)

Amend section 1 of the bill by replacing lines 2-3 with the following:
inserting after section 6-l the following new section:

415:6-m Coverage for the Cost of Testing for Bone Marrow Donation. Each insurer that issues or
Amend section 2 of the bill by replacing lines 2-3 with the following:
inserting after section 18-q the following new section:

415:18-r Coverage for the Cost of Testing for Bone Marrow Donation. Each insurer that issues
Amend section 3 of the bill by replacing lines 6-7 with the following:
II(4), RSA 415:6-g, RSA 415:6-k, **RSA 415:6-m**, RSA 415:18, V, RSA 415:18, VII(g), RSA
415:18, VII-a, RSA 415:18-a, RSA 415:18-j, RSA 415:18-o, **RSA 415:18-r**, RSA 415:22, RSA
417, RSA 417-E,

Amend section 4 of the bill by replacing line 4 with the following:
RSA 415:6-m, RSA 415:18, VII(g), RSA 415:18, VII-a, RSA 415:18-j, **RSA 415:18-r**, RSA 415-A,
Adopted.

HB 1455-FN-A, relative to the disposal of video display devices.

Amendment (1830-EBA)

Amend section 1 of the bill by replacing line 3 with the following:
XXVIII. "Video display device" means a visual display component of a television or a
Adopted.

HB 1536, relative to bonds required from persons excavating or disturbing certain highways.

Amendment (2094-EBA)

Amend RSA 236:10 as inserted by section 1 of the bill by replacing line 3 with the following:
bond satisfactory to [him] *such person or entity* be furnished to the state, city, or town providing
for the satisfactory
Adopted.

HB 1630-L, relative to land use change taxes imposed for certain road construction on rights-of-way.

Amendment (2099-EBA)

Amend RSA 79-A:7, VI(e) as inserted by section 1 of the bill by replacing line 1 with the following:
(e) A road is constructed on an existing right-of-way on current use land solely for the
Amend RSA 79-A:7, VI(e) as inserted by section 1 of the bill by replacing line 5 with the following:
that if such road construction on an existing right-of-way would constitute a change in use if done by
Adopted.

HB 1633-FN, relative to membership, eligibility, and financing of the New Hampshire retirement system.

Amendment (1833-EBA)

Amend the bill by replacing section 7 with the following:

7 Supplemental Allowances. RSA 100-A:41-a, II is repealed and reenacted to read as follows:

II. No later than May 31 of each year, the fiscal committee of the general court may approve COLAs for the July 1 thereafter upon certification from the actuary of the amount of the COLA which may be granted to each member classification based on the funds available in the special account for each member classification. The actuary shall look at each member classification component of the special account separately and shall certify to the fiscal committee the funds available, and any other information required by the committee, including but not limited to any change in the Consumer Price Index-Urban for the year prior to the year in which the allowance is granted. Any such supplemental allowance when granted by the fiscal committee of the general court shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13, 100-A:19, the provisions of former RSA 100-A:16, I(c)(2) relative to additional contributions, or similar provisions of predecessor systems.

Adopted.

HB 1657, establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.

Amendment (1836-EBA)

Amend section 1 of the bill by replacing lines 2 and 3 with the following:
section 33-c the following new section:

206:33-d Wildlife Legacy Initiative; Account Established.

Amend section 2 of the bill by replacing line 4 with the following:

initiative account under RSA 206:33-d established in section 1 of this act.

Amend section 3 of the bill by replacing line 4 with the following
account under RSA 206:33-d.

Adopted.

HB 1715-FN, relative to funding of the professional assistance program of dentists.

Amendment (1827-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 Board of Dental Examiners; Duties; Professional Assistance Program. Amend RSA 317-A:4,
Adopted.

HB 1718-FN, requiring a written disclosure statement be provided to prospective nursing home facility clients.

Amendment (1943-EBA)

Amend section 1 of the bill by replacing line 1 with the following:

1 New Section; Medical Services. Amend RSA 151 by inserting after

Amend RSA 151:25-a, V as inserted by section 1 of the bill by replacing line 1 with the following:

V. A statement affirming that the prospective client has received the nursing home disclosure
Adopted.

HB 1722-FN, relative to the New Hampshire council on developmental disabilities.

Amendment (1952-EBA)

Amend RSA 19-J:3, I(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) Individuals with developmental disabilities and parents or guardians of adults with

Amend RSA 19-J:5 as inserted by section 1 of the bill by replacing line 3 with the following:

that affect persons with developmental disabilities. The chairperson, with the input of the council,

Amend RSA 19-J:6, VIII as inserted by section 1 of the bill by replacing line 1 with the following:

VIII. To support and conduct activities to eliminate barriers to access and use of community

Amend RSA 19-J:6, IX as inserted by section 1 of the bill by replacing line 1 with the following:
 IX. To support and conduct activities to educate the public about the capabilities, preferences,
 Amend RSA 19-J:6, X as inserted by section 1 of the bill by replacing line 1 with the following:
 X. To support and conduct activities to provide information to federal, state, and local
 Amend RSA 19-J:6, XI as inserted by section 1 of the bill by replacing it with the following:
 XI. To support and conduct demonstrations of new approaches to services and supports.
 Amend RSA 19-J:6, XII as inserted by section 1 of the bill by replacing line 1 with the following:
 XII. To support and conduct other advocacy, capacity building, and systemic change activities
 Adopted.

ENROLLED BILL AMENDMENTS

SB 221, relative to obtaining a driver's license and creating a violation for failure to pay a high-way toll. (Amendment printed SJ 05/19/06)
 Adopted.

SB 405, relative to the acceptance of certain tax-sheltered funds by the Manchester employees' contributory retirement system. (Amendment printed SJ 05/19/06)
 Adopted.

SENATE MESSAGES

CONCURRENCE

SB 178, designating a certain highway the Gold Star Mothers Highway.
SB 190-L, establishing a committee to study affordable housing in New Hampshire.
SB 200-FN, establishing the uniform athlete agents act.
SB 231, relative to the residency requirement to qualify for the elderly property tax exemption.
SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.
SB 244, relative to unclaimed deposits for utility services.
SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts.
SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff.
SB 251, relative to the enforcement authority of the division of safety services.
SB 252, relative to certification of speech-language assistants for purposes of speech language pathology practice.
SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor.
SB 269, ratifying certain actions at the 1996 Seabrook annual town meeting.
SB 281-FN, establishing an organ and tissue donor registry.
SB 282-FN-L, relative to removal of abandoned vehicles.
SB 283-FN, relative to stop loss insurance.
SB 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts.
SB 294-FN-A, authorizing 7 additional state troopers and making an appropriation therefor.
SB 295-FN, relative to registration of business entities.
SB 300-FN-A-L, exempting certain transfers of real estate between charitable organizations from the real estate transfer tax.
SB 305-FN, relative to the regulation of recreational therapists.
SB 319, establishing a task force to study county government.
SB 323, establishing a legislative youth advisory council.
SB 325, making technical corrections and other changes to motor vehicle laws.
SB 327, establishing the New Hampshire civil war cannon restoration fund.
SB 334, authorizing the use of a credit freeze as a means of deterring identity theft.
SB 341, relative to the applicability of OBD II testing requirements.

SB 386, relative to large groundwater withdrawals.

SB 389, establishing a committee to study programs funded by the system benefits charge.

SB 391-FN, relative to insurance third party administrators.

SB 394, establishing the Trust Modernization and Competitiveness Act.

NONCONCURRENCE

SB 103-FN-A-L, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund.

SB 286-FN, relative to notice to defendants in small claims actions.

SB 306-FN-A, establishing a quality early learning opportunity initiative and making an appropriation therefor.

SB 310-FN, establishing gold star number plates and relative to special number plates for veterans.

SB 363-FN-A-L, prohibiting the department of revenue administration from collecting any communications services tax that is not permissible under federal law; and establishing a commission to study and determine the effect of ceasing the collection of Internet-related communications services tax.

SB 364-FN-A, relative to funding of the fish and game search and rescue fund and making an appropriation therefor.

SB 399-FN, relative to the powers of state government in the event of a pandemic.

SCR 6, urging Congress to support stem cell research.

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1146, establishing a committee to study renewable portfolio standards.

The President appointed Sens. Odell, Green and Fuller Clark.

HB 1315, relative to the definition and classification of dams.

The President appointed Sens. Johnson, Eaton and Hassan.

HB 1343, relative to the duties of the council on resources and development.

The President appointed Sens. Morse, Clegg and D'Allesandro.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control.

The President appointed Sens. Boyce, Barnes and Burling.

HB 1426, granting a right-of-way over state-owned land.

The President appointed Sens. Kenney, Flanders and Burling.

HB 1463-FN, relative to boating and water safety.

The President appointed Sens. Green, Clegg and Burling.

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire.

The President appointed Sens. Green, Bragdon and Hassan.

HB 1508, relative to acceptance of applications by planning boards.

The President appointed Sens. Morse, Kenney and Hassan.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

The President appointed Sens. Gallus, Johnson and Hassan.

HB 1690, relative to renewable energy.

The President appointed Sens. Clegg, Morse and Burling.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

The President appointed Sens. Clegg, Barnes and Hassan.

HB 1758, classifying biodiesel as a renewable energy source.

The President appointed Sens. Green, Letourneau and Burling.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor.

The President appointed Sens. Odell, Morse and Burling.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1582, prohibiting New Hampshire from participating in a national identification card system.

RECESS

(Speaker Scamman in the Chair)

CONFEREES CHANGES

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.
Rep. Infantine became first-named, Rep. Sheila Francoeur became second-named.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

Rep. Infantine became first-named, Rep. Sheila Francoeur became second-named.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees.

Rep. Graham replaced Rep. Ingram.

HB 1761, relative to hold over tenants in vacation or recreational rental units.

Rep. Whalley replaced Rep. O'Neil.

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

Rep. Sokol replaced Rep. Wall.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability.

Rep. Dowd replaced Rep. Patten.

HB 1146, establishing a committee to study renewable portfolio standards.

Rep. O'Connell replaced Rep. Hansen.

HB 529, relative to the determination of parental rights and responsibilities.

Rep. Bettencourt replaced Rep. Bickford.

RECESS

(Rep. Bouchard in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 221, 459, 718, 1157, 1182, 1191, 1201, 1260, 1317, 1351, 1357, 1377, 1419, 1436, 1444, 1480, 1521, 1530, 1566, 1681, 1688, 1727, 1756 and 1764, and Senate Bills numbered 322, 225, 308, 387 and 400.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENT

SB 269, ratifying certain actions at the 1996 Seabrook annual town meeting. (Amendment printed SJ 05/11/06)

Adopted.

RECESS

(Speaker Scamman in the Chair)

CONFEREES CHANGES

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

Rep. Sokol replaced Rep. Wall.

Rep. Hunt replaced Rep. Mooney.

Rep. Millham replaced Rep. Rowe.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.

Rep. Infantine first-named.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

Rep. Price replaced Rep. Wallner.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

Rep. Infantine first-named.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability.

Rep. Dowd replaced Rep. Patten.

Rep. O'Neil replaced Rep. Dowd.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

Rep. Herbert Richardson replaced Rep. Gorman.

HB 1761, relative to hold over tenants in vacation or recreational rental units.

Rep. Whalley first-named.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor.

Rep. King replaced Rep. Kurk.

SB 403, relative to verification of identity when a person registers or attempts to vote.

Rep. O'Neil replaced Rep. Harvey.

Rep. Drisko replaced Rep. Reeves.

RECESS

(Rep. Norelli in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 115, 203, 380, 590, 657, 688, 719, 1214, 1215, 1330, 1433, 1452, 1455, 1536, 1633, 1657, 1715 and 1722, and Senate Bills numbered 24, 233, 249, 273, 289, 342 and 389.

Rep. Currier, Sen. D'Allesandro for the Committee

ENROLLED BILL AMENDMENTS

HB 716-FN, relative to securities regulation.

Amendment (2241-EBA)

Amend RSA 421-B:2, XIII-a as inserted by section 1 of the bill by replacing line 2 with the following: partnership, limited liability company, association, joint stock company, trust where the interests Amend section 7 of the bill by replacing lines 1-10 with the following:

7 Licensing. Amend RSA 421-B:6, V(c) to read as follows:

(c) Each **broker-dealer** branch office within this state shall be supervised by ~~an on-~~

Amend RSA 421-B:7, VIII(b) as inserted by section 10 of the bill by replacing line 1 with the following:

(b) Each applicant for a license under this paragraph shall make application on the Amend RSA 421-B:17, II(a)(3)(A) as inserted by section 15 of the bill by replacing lines 1-5 with the following:

(A) "General solicitation" and "general advertisement" includes, but is not limited to any advertisement, article, notice, or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio, and any seminar or meeting whose attendees have been invited by any general solicitation or general advertising. General solicitation and general advertisement shall not include communications and disclosure material specifically directed to Amend RSA 421-B:17, II(r)(1)(D) as inserted by section 17 of the bill by replacing line 3 with the following:

disclosure requirements of 17 C.F.R. section 230.502(b), the secretary of state shall require Amend RSA 421-B:31, IV(a) as inserted by section 23 of the bill by replacing line 3 with the following:

~~or (h)~~, (3) a notice filing under section 18(b)(4)(D) of the Securities Act of 1933, or (4) a notice filing Amend the bill by deleting section 29 and renumbering the original sections 30-31 to read as 29-30, respectively.

Adopted.

HB 1458-FN, relative to the regulation of landscape architects.

Amendment (2297-EBA)

Amend RSA 310-A:142, IV as inserted by section 3 of the bill by replacing line 3 with the following:
incurred in carrying out the provisions of this subdivision.

Amend RSA 310-A:144, VI as inserted by section 3 of the bill by replacing line 1 with the following:
VI. Replacement of a lost or mutilated license.

Amend RSA 310-A:154, I as inserted by section 3 of the bill by replacing line 1 with the following:

I. All licenses issued by the board shall expire on the last day of the licensee's month of birth in
Amend RSA 310-A:156, VII as inserted by section 3 of the bill by replacing lines 2-3 with the following:

connection with any disciplinary proceeding, including investigations, stenographers, and attorneys' fees, as a condition of probation or reinstatement.

Amend RSA 310-A:160, II as inserted by section 3 of the bill by replacing lines 2-3 with the following:

construction or alteration of landscape design associated with farms, residences, or institutional or commercial uses, where the client or reviewing governmental entity does not require the stamp of a
Adopted.

HB 1477, implementing the federal Law Enforcement Officers Safety Act of 2004.

Amendment (2219-EBA)

Amend RSA 188-F:26, XVII as inserted by section 1 of the bill by replacing line 2 with the following:

Officers Safety Act of 2004, 18 U.S.C. section 926C(d)(2)(B) in accordance with RSA 541-A.

Amend RSA 188-F:32-d as inserted by section 2 of the bill by replacing line 4 with the following:
meeting the standards established in Pol 404.03 to qualify under the provisions of 18 U.S.C.

Amend RSA 188-F:32-d as inserted by section 2 of the bill by replacing line 7 with the following:
not qualified under 18 U.S.C. section 926C(d)(2)(B) to have received such certification.

Adopted.

HB 1526, relative to the composition of the medical review subcommittee of the medical review board.

Amendment (2235-EBA)

Amend the bill by replacing all after section 1 with the following:

2 Medical Review Subcommittee; Public Members. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of [7] **9** members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of one member of the board of medicine and [6] **8** other persons, ~~no more than 3 of whom shall be public members~~ **and 5 of whom shall be physicians**. Any public member of the subcommittee shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. ***The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year.*** The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section. The board shall employ a physician as a medical review subcommittee administrator who shall serve at the pleasure of the board. The salary of the medical review subcommittee administrator shall be established by the board in accordance with duties, experience, and amount of time required for the position.

3 Nullification. Section 3 of 2006, 61 (HB 1517-FN) shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect June 23, 2006.

II. The remainder of this act shall take effect upon its passage.

Adopted.

HB 1546, relative to patient information.

Amendment (2216-EBA)

Amend RSA 332-I:2, I(d) as inserted by section 2 of the bill by replacing line 3 with the following: recommended medical treatment and be involved in experimental research upon the patient's Adopted.

HB 1660-FN, regulating identity theft.

Amendment (2220-EBA)

Amend RSA 359-C:20, III (d) as inserted by section 1 of the bill by replacing lines 1-2 with the following:

(d) Substitute notice, if the person demonstrates that the cost of providing notice would exceed \$5,000, that the affected class of subject individuals to be notified exceeds 1,000, or the person Adopted.

HB 1687, extending certain studies and adding a certain duty relative to pharmacy reimbursement.

Amendment (2223-EBA)

Amend section 2 of the bill by replacing line 4 with the following:

until November 1, [2005] **2006**, and its members shall continue to serve until November 1, [2005] **2006**. Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Contingent Renumbering. If HB 1763 of the 2006 legislative session becomes law, then paragraph III of 2005, 73:3 as inserted by section 6 of this bill shall be renumbered as paragraph VII. Adopted.

HB 1763, extending a committee and adding certain duties relative to pharmacy reimbursement.

Amendment (2221-EBA)

Amend section 1 of the bill by replacing lines 3-7 with the following:

III. Examining rate changes in the price of drugs which are usually changed on a daily basis.

IV. Examining the electronic payment of pharmacy reimbursements for quicker turnaround on payments to pharmacies.

V. Examining the most favored nation issue.

VI. Examining a method to reimburse pharmacies for the copayments that Medicaid clients do Adopted.

CACR 41, relating to representative districts. Providing that representative districts shall be apportioned according to specified standards.

Amendment (2215-EBA)

Amend paragraph I of the resolution by replacing line 7 with the following:

non-floterial representative district. When any town, ward, or unincorporated place has fewer than Amend paragraph I of the resolution by replacing line 13 with the following:

number of inhabitants of other districts to form at-large or floterial districts conforming to

Amend paragraph IV of the resolution by replacing line 8 with the following:

non-floterial representative district. When any town, ward, or unincorporated place has fewer than Amend paragraph IV of the resolution by replacing line 14 with the following:

number of inhabitants of other districts to form at-large or floterial districts conforming to

Adopted.

RECESS

(Speaker Scamman in the Chair)

Rep. Weyler moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Wednesday, May 24, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

A Choral Prayer was offered by House Chaplain, Reverend Jared Rardin, and members of the South Congregational Church Choir.

In recognition of Memorial Day, the following Representatives, who all are military veterans, led the Pledge of Allegiance:

David P. Currier (Coast Guard – 24 yrs.), John A. Graham (Army – 20 yrs.), Kris E. Roberts (Marines – 25 yrs.), Ralph J. Rosen (Navy – 31 yrs.) and James E. Twombly (Air Force – 22 yrs.).

The National Anthem was sung by Sarah (13), Sean (12) and Samantha (11) Donahue, home-schooled students from Stark.

LEAVES OF ABSENCE

Reps. Bridle, Callaghan, Chabot, Cilley, Donahue, Egbers, Hunter, Kobel, Manney, Mears, Palazzo, Putnam, Shaw, Snyder and Weed, the day, illness.

Reps. Ahlgren, Barry, Brassard, W. Packy Campbell, Dowling, Gile, Hager, Heald, Hollinger, MacKay, Miller, Morrison, Pantelakos, Serlin and Katherine Taylor, the day, important business.

Reps. MaryAnn Blanchard and Field, the day, illness in the family.

INTRODUCTION OF GUESTS

Shawn Donahue, father of today's singers, guest of the House. Dave Villiotti, guest of Rep. Crane. Dick Barry and Jessica Rock, guests of Rep. Mooney. Ray Chadwick, guest of Rep. Mark Clark. Michelle Vatalero, guest of Rep. Clemons.

COMMITTEE OF CONFERENCE REPORTS ON SENATE BILLS

COMMITTEE OF CONFERENCE REPORT ON SB 140

Committee of Conference on **SB 140**, an act relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Johnson, Dist. 2; Gallus, Dist. 1; Burling, Dist. 5

Conferees: Reps. Currier, Merr. 5; D.L. Christiansen, Hills. 19; Spang, Straf. 7; Sanders, Rock. 7
Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 250

Committee of Conference on **SB 250**, relative to lead paint poisoning prevention. Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 130-A:7, V as inserted by section 4 of the bill by replacing it with the following:

V. Interim controls, as defined in this chapter, may be used as an acceptable alternative to lead hazard abatement only with the prior written approval of the commissioner and for a period not to exceed 2 years. Within that 2-year period the person subject to the order shall either take the steps necessary to eliminate or enclose the lead exposure hazards or remove the dwelling or dwelling unit from the rental market.

Conferees: Sens. Martel, Dist. 18; Eaton, Dist. 10; D'Allesandro, Dist. 20
Conferees: Reps. Babson, Carr. 3; Olimpio, Carr. 5; Tobin, Belk. 2; Essex, Hills. 1
Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 287-FN

Committee of Conference on **SB 287-FN**, an act making certain changes to the eminent domain statute.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 162-K:2, IX-a(a)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend RSA 203:3, XIV (a)(3) as inserted by section 3 of the bill by replacing it with the following:

(3) The acquisition of real property to remove slums, as defined in RSA 203:3, VIII, structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend RSA 205:3-b, I(c) as inserted by section 9 of the bill by replacing it with the following:

(c) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend RSA 498-A:2, VII (a)(3) as inserted by section 11 of the bill by replacing it with the following:

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety; and

Amend the bill by replacing all after section 27 with the following:

28 Effective Date. This act shall take effect January 1, 2007.

Conferees: Sens. Green, Dist. 6; Letourneau, Dist. 19; Gottesman, Dist. 12

Conferees: Reps. Mooney, Hills. 19; Dokmo, Hills. 6; Buxton, Rock. 10; Shurtleff, Merr. 10

Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 336

Committee of Conference on **SB 336**, relative to security deposits in landlord tenant matters.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2006.

Conferees: Sens. Gallus, Dist. 1; Martel, Dist. 18, Hassan, Dist. 23

Conferees: Reps. Sorg, Graf. 3; Hunt, Ches. 7; Buxton, Rock. 10; Shurtleff, Merr. 10

Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 352

Committee of Conference on **SB 352-FN**, relative to the regulation of real estate appraisers.

Recommendation:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees: Sens. Gallus, Dist. 1; Letourneau, Dist. 19; Larsen, Dist. 15

Conferees: Reps. Dexter, Ches. 6; Hawkins, Hills. 18; Irwin, Hills. 3; P. McMahon, Merr. 3

Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 358

Committee of Conference on **SB 358-FN**, relative to an advanced registered nurse practitioner's duty to warn of violent acts of patients.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2006

Conferees: Sens. Martel, Dist. 18; Kenney, Dist. 3; Fuller Clark, Dist. 24

Conferees: Reps. Dalrymple, Rock. 4; Millham, Belk. 5; Houde-Quimby, Sull. 1; Irwin, Hills. 3

Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 359

Committee of Conference on **SB 359-FN**, relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by inserting after section 12 the following and renumbering the original sections 13-20 to read as 14-21, respectively:

13 Disciplinary Action; Criminal Offenses. Amend RSA 329-A:12, II (b) to read as follows:

(b) Conviction of a felony or ~~[any offense involving moral turpitude]~~ *any criminal offense involving injury to a victim or the risk of such injury or any criminal offense involving dishonesty;* Amend RSA 329-A:16, II as inserted by section 18 of the bill by replacing it with the following:

II. The board shall refer all allegations of violations specified in RSA 329-A:18 to the New Hampshire attorney general and to the county attorney in the appropriate county. The county attorney shall investigate such allegations and take appropriate action if the attorney general does not do so.

Conferees: Sens. Kenney, Dist. 3; Roberge, Dist. 9; Larsen, Dist. 15

Conferees: Reps. Ryder, Hills. 5; Coburn, Rock. 4; Pilotte, Hills. 16; Francis Sullivan, Hills. 12

Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 371

Committee of Conference on **SB 371-FN**, relative to the continuation of certain wetlands fees.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Extension of Fee for Excavating and Dredging Permits. Amend 2003, 224:8, I to read as follows:

I. Section 3 of this act shall take effect July 1, ~~2006~~ **2010**.

Amend the bill by replacing section 2 with the following:

2 Report Required. The wetlands bureau, department of environmental services shall make reports available upon request to the legislature and the appropriate policy committees relative to the permitting process. The report shall include the following categories: minimum impact, minor impact, major impact, and shoreline structures. In each such category, the report shall include:

I. Number of applications received.

II. Associated fees.

III. Applications waiting for review.

IV. Average number of days required to issue permits.

AMENDED ANALYSIS

This bill extends the current fee for an excavating and dredging permit until July 1, 2010.

This bill requires the wetlands bureau, department of environmental services to make a report on the permitting process available to the legislature.

Conferees: Sens. Gallus, Dist. 1; Green, Dist. 6; Hassan, Dist. 23

Conferees: Reps. Camm, Rock. 8; Lund, Rock. 5; Carson, Rock. 3; Almy, Graf. 11

Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 374

Committee of Conference on **SB 374-FN**, relative to the state children's health insurance program.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Department of Health and Human Services; Healthy Kids Silver Program; Fiscal Committee Approval Required for Expenditures Above Budgeted Amounts. Amend 2005, 117:119 to read as follows:

177:119 Department of Health and Human Services; Healthy Kids Silver Program; Cap. Notwithstanding any other provision of law, for the biennium [~~beginning July 1, 2005 and continuing thereafter~~] **ending June 30, 2007**, the department of health and human services shall not increase expenditures in approved budgets for the Healthy Kids Silver Program without prior approval [~~and additional appropriations from~~] **of the fiscal committee of the general court. If expenditures for the Healthy Kids Silver Program will exceed the department's current appropriation for the Healthy Kids Silver Program, the commissioner may recommend that savings found elsewhere in the department be used to offset the amount of any such deficit. The commissioner shall submit to the fiscal committee of the general court and to the finance committees of the house and the senate any such proposed changes, which shall be subject to the prior approval of the fiscal committee of the general court.**

Amend the bill by replacing section 4 with the following:

4 Healthy Kids Corporation. Notwithstanding RSA 126-A:5, XIV, as inserted by section 3 of this act, or any other provision of law to the contrary, the commissioner shall use the healthy kids corporation as the sole source provider of administrative and outreach services for the state children's health insurance program and premium billing and collection services for the Medicaid for Employed Adults with Disabilities (MEAD) program until July 1, 2007. As part of the premium reconciliation process, the commissioner may allow the healthy kids corporation to retain up to the sum of \$100,000 for fiscal year 2006.

Conferees: Sens. Green, Dist. 6; Barnes, Dist. 17; Larsen, Dist. 15

Conferees: Reps. Stepanek, Hills. 6; Hunt, Ches. 7; Stella Scamman, Rock. 13; DeStefano, Merr. 13
Committee of Conference report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 388

Committee of Conference on **SB 388**, relative to farm composting and pesticides.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees: Sens. Odell, Dist. 8; Johnson, Dist. 2; Hassan, Dist. 23

Conferees: Reps. O'Connell, Hills. 6; Babson, Carr. 3; Sawyer, Ches. 2; Essex, Hills. 1

Rep. Beaulieu spoke against.

Rep. O'Connell spoke in favor and yielded to questions.

On a division vote, 210 members having voted in the affirmative, and 116 in the negative, the Committee of Conference report was adopted.

(Deputy Speaker Weyler in the Chair)

COMMITTEE OF CONFERENCE REPORT ON SB 403

Committee of Conference on **SB 403**, relative to verification of identity when a person registers or attempts to vote.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Determining Qualifications of Applicant; Identity; Verification. Amend RSA 654:12 by inserting after paragraph II the following new paragraphs:

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through any reasonable means, including, but not limited to: photo identification not approved by paragraph II, but determined to be legitimate by the supervisors of the checklist or clerk, verification of the person's identity by another person registered as a voter and known to the supervisor or clerk, or completion of the affidavit to be completed by a challenged voter. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

IV. Any person who is applying for registration as a voter and who is currently registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first.

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at a state general election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed within 90 days after the general election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to contact the attorney general immediately if he or she did not register and vote.

(c) The secretary of state shall cause any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office to be referred to the attorney gen-

eral. Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

2 Obtaining a Ballot; Verification of Age. Amend RSA 659:13 to read as follows:

659:13 Obtaining a Ballot. A person desiring to vote shall, before being admitted to the enclosed space within the guardrail, announce his or her name to one of the ballot clerks who shall thereupon repeat the name; and, if the name is found on the checklist by the ballot clerk, the ballot clerk shall put a checkmark beside it and again repeat the name. The ballot clerk shall state the address listed on the checklist for the voter, and ask if the address is correct; if the address on the checklist is not correct, the ballot clerk shall correct the address in red on the *paper checklist and the supervisors of the checklist shall cause the centralized voter registration database to reflect the correction*. The voter, if still qualified to vote in the town or ward and unless challenged as provided for in RSA 659:27-33, shall then be allowed to enter the space enclosed by the guardrail. After the voter enters the enclosed space, the ballot clerk shall give the voter one of each ballot to be voted on in that election which shall be folded as it was upon receipt from the secretary of state.

3 Effective Date. This act shall take effect September 1, 2006.

Conferees: Sens. Green, Dist. 6; Barnes, Dist. 17; Gatsas, Dist. 16

Conferees: Reps. Whalley, Belk. 5; Drisko, Hills. 5; Boehm, Hills. 27; O'Neil, Rock. 15

Rep. Harvey spoke against and yielded to questions.

Rep. Whalley spoke in favor and yielded to questions.

(Speaker Scamman in the Chair)

Rep. O'Brien requested a roll call; sufficiently seconded.

YEAS 219 NAYS 121

YEAS 219

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Espieffs, Peter	Foote, Sheila
Hogancamp, Deborah	Hunt, John	Roberts, Kris	Sawyer, Sheldon

COOS

King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Tholl, John Jr		

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Naro, Debra	Solomon, Peter	Ward, John
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Buhlman, David	Calawa, Leon Jr
Carew, James	Carter, Mark	Christensen, D L Chris	Christiansen, Lars
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian
Dokmo, Cynthia	Drisko, Richard	Dyer, Donald	Elliott, Nancy

Emerton, Larry
Goyette, Peter Jr
Hawkins, Ken
Hirschmann, Keith
Jeudy, Jean
Lawrence, James
Mead, Robert
O'Brien, William
Price, Pamela
Rowe, Robert
Souza, Kathleen
Vaillancourt, Steve
Wheeler, Robert

Gargas, Carolyn
Graham, John
Hebert, Raymond
Holden, Randolph
Johnson, Paula
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Reeves, Sandra
Ryder, Donald
Stepanek, Stephen
Velez, Hector

Gibson, John
Hall, Betty
Hellwig, Steve
Infantine, William
Kurk, Neal
Martin, Mary Ellen
Mooney, Maureen
Ober, Lynne
Renzullo, Andrew
Scanlon, Michael
Tahir, Saghir
Villeneuve, Maurice

Golding, William
Hansen, Ryan
Hinkle, Peyton
Jasper, Shawn
L'Heureux, Robert
McRae, Karen
Moran, Edward
Pepino, Leo
Ross, Lawrence
Slocum, Lee
Ulery, Jordan
Wheeler, James

MERRIMACK

Anderson, Eric
Greco, Vincent
Klose, John
Marple, Richard
Soltani, Tony

Blanchard, Elizabeth
Hess, David
L'Heureux, Stephen
Maxfield, Roy
Tupper, Frank

Currier, David
Kennedy, Richard
Langlais, Thomas
Oliver, James
Whiting, Herbert

Danforth, James
Kidder, David
Lockwood, Priscilla
Reed, Dennis

ROCKINGHAM

Allen, Mary
Bishop, Franklin
Charron, Gene
DiFruscia, Anthony
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Morris, Richard
Priestley, Anne
Rolston, James
Stone, Joseph
Weldy, Norman
Winchell, George

Asselin, Michael
Buxton, Donald
Coburn, James
Dowd, John
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Itse, Daniel
Kobel, Rudolph
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin
Wells, Roger
Zolla, William

Belanger, Ronald
Cady, Harriet
Cooney, Richard
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Weyler, Kenneth

Bettencourt, David
Camm, Kevin
Dalrymple, Janeen
Fesh, Bob
Garrity, James
Headd, James
Ingram, Russell
Katsakiores, George
Lund, Howie
Moore, Benjamin
Packard, Sherman
Rausch, James
Stiles, Nancy
Welch, David
Wiley, Robert

STRAFFORD

Albert, Russell
Chaplin, Duncan
Knowles, William

Berube, Roger
Dunlap, Patricia
Newton, Clifford

Bickford, David
Easson, Timothy
Twombly, James

Brown, Julie
Goodwin, Earle

SULLIVAN

Gale, Harry

Irish, Christopher

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 121 BELKNAP

None

CARROLL

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dunn, J Timothy
Pliifka, Stanley Jr
Tilton, Anna

Butcher, Suzanne
Eaton, Daniel
Pratt, John

Butynski, William
Mitchell, Bonnie
Richardson, Barbara

Chase, William
Parkhurst, Henry
Robertson, Timothy

COOS

Buzzell, Bernard

Theberge, Robert

GRAFTON

Aguir, James

Almy, Susan

Andersen, Gene

Benn, Bernard

Bleyler, Ruth

Cooney, Mary

Hammond, Lee

Harding, A Laurie

McLeod, Martha

Mulholland, Catherine

Nordgren, Sharon

Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin

Beaulieu, Jane

Chase, Claudia

Clemons, Jane

Cote, David

Cote, Peter

Craig, James

Daniuk, Caitlin

DeVries, Betsi

Essex, David

Foster, Linda

Ginsburg, Ruth

Goley, Jeffrey

Gorman, Mary

Haley, Robert

Harvey, Suzanne

Irwin, Anne-Marie

Jean, Claudette

Kopka, Angeline

Lasky, Bette

Matarazzo, Anthony Sr

Michon, Stephen

Movsesian, Lori

Pappas, Christopher

Pilotte, Maurice

Rosenwald, Cindy

Schulze, Joan

Shattuck, Gilman

Shaw, Barbara

Smith, David

Sullivan, Francis

Sullivan, Peter

MERRIMACK

Bouchard, Candace

Brueggemann, Donald

Clarke, Claire

DeJoie, John

DeStefano, Stephen

Foose, Robert

French, Barbara

Hamm, Christine

McMahon, Patricia

Osborne, Jessie

Owen, Derek

Potter, Frances

Reardon, Tara

Rush, Deanna

Ryan, Jim

Shurtleff, Stephen

Tilton, Joy

Wallner, Mary Jane

Walz, Mary Beth

Williams, Robert

Yeaton, Charles

ROCKINGHAM

Abbott, Dennis

Brown, C. Pennington

Cali-Pitts, Jacqueline

Casey, Kimberley

Flockhart, Eileen

Gould, Kenneth

Moody, Marcia

Norelli, Terie

Parker, Benjamin

Powers, James

Robertson, Carl

Robinson, John

Splaine, James

STRAFFORD

Brown, Jennifer

Brown, Lawrence

Creteau, Irene

Grassie, Anne

Heon, Richard

Hilliard, Dana

Hofemann, Roland

Johnson, Nancy

Kaen, Naida

Keans, Sandra

Rollo, Michael

Rous, Emma

Schmidt, Peter

Smith, Marjorie

Spang, Judith

Taylor, Kathleen

Wall, Janet

SULLIVAN

Cloutier, John

Converse, Larry

Donovan, Thomas

Ferland, Brenda

Franklin, Peter

Houde-Quimby, Charlotte

Jillette, Arthur Jr

Phinizy, James

Prichard, Stephen

and the Committee of Conference report was adopted.

Rep. Carson did not vote and notified the Clerk that she wished to be recorded in favor.

SUSPENSION OF RULES

Rep. O'Neil moved that House Rules be so far suspended as to permit introduction and allow consideration beyond the deadlines of **HR 25**, condemning protests and disruptions of military funerals and memorial services, without the required referral to committee, printing, proper hearing and report from committee, and, if passed, to permit immediate third reading and final passage.

Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 292 NAYS 48**YEAS 292****BELKNAP**

Allen, Janet

Boyce, Laurie

Clark, Charles

Fitzgerald, James

Flanders, Donald

Millham, Alida

Nedeau, Stephen

Pilliod, James

Rosen, Ralph

Russell, David

Thomas, John

Tilton, Franklin

Tobin, William

Veazey, John

Wendelboe, Fran

Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Dexter, Judson
Dunn, J Timothy	Eaton, Daniel	Emerson, Susan	Espiefs, Peter
Foote, Sheila	Hogancamp, Deborah	Parkhurst, Henry	Plifka, Stanley Jr
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		

COOS

Buzzell, Bernard	King, Frederick	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Theberge, Robert	Tholl, John Jr

GRAFTON

Andersen, Gene	Benn, Bernard	Cooney, Mary	Eaton, Stephanie
Gionet, Edmond	Hammond, Lee	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Mulholland, Catherine	Naro, Debra	Solomon, Peter
Ward, John	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Baroody, Benjamin
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Buhlman, David
Calawa, Leon Jr	Carew, James	Carter, Mark	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Cote, David	Cota, Peter	Coughlin, Pamela	Craig, James
Crane, Elenore Casey	Desmarais, Vivian	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Foster, Linda	Gargas, Carolyn	Gibson, John
Ginsburg, Ruth	Golding, William	Gorman, Mary	Goyette, Peter Jr
Graham, John	Haley, Robert	Hansen, Ryan	Harvey, Suzanne
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Jasper, Shawn
Jean, Claudette	Judy, Jean	Johnson, Paula	Kurk, Neal
L'Heureux, Robert	Lasky, Bette	Lawrence, James	Lessard, Rudy
Matarazzo, Anthony Sr	McRae, Karen	Mead, Robert	Messier, Irene
Michon, Stephen	Mooney, Maureen	Moran, Edward	O'Brien, William
Ober, Lynne	Pappas, Christopher	Pepino, Leo	Pilotte, Maurice
Price, Pamela	Reeves, Sandra	Renzullo, Andrew	Ross, Lawrence
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Shattuck, Gilman
Shaw, Barbara	Slocum, Lee	Smith, David	Souza, Kathleen
Stepanek, Stephen	Sullivan, Peter	Tahir, Saghir	Ulery, Jordan
Velez, Hector	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald
Currier, David	Danforth, James	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Greco, Vincent	Hamm, Christine
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	Marple, Richard
McMahon, Patricia	Oliver, James	Osborne, Jessie	Reardon, Tara
Reed, Dennis	Rush, Deanna	Ryan, Jim	Shurtleff, Stephen
Soltani, Tony	Wallner, Mary Jane	Walz, Mary Beth	Whiting, Herbert
Williams, Robert			

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Buxton, Donald	Cady, Harriet	Cali-Pitts, Jacqueline
Camm, Kevin	Carson, Sharon	Casey, Kimberley	Charron, Gene
Coburn, James	Cooney, Richard	Dalrymple, Janeen	DiFruscia, Anthony
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr
Flockhart, Eileen	Forsing, Robert	Francoeur, Sheila	Garrity, James
Gilbert, Karl	Gillick, Thomas	Griffin, Mary	Headd, James
Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen	Ingram, Russell
Introne, Robert	Itse, Daniel	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Langley, Jane	Lund, Howie
Major, Norman	McKinney, Betsy	Moody, Marcia	Moore, Benjamin
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Parker, Benjamin	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robertson, Carl	Robinson, John	Rolston, James
Sanders, Elisabeth	Splaine, James	Stiles, Nancy	Stone, Joseph
Waterhouse, Kevin	Weare, E Albert	Welch, David	Weldy, Norman
Wells, Roger	Weyler, Kenneth	Wiley, Robert	Winchell, George
Zolla, William			

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Jennifer
Brown, Julie	Chaplin, Duncan	Creteau, Irene	Dunlap, Patricia
Easson, Timothy	Goodwin, Earle	Grassie, Anne	Heon, Richard
Hilliard, Dana	Hofemann, Roland	Johnson, Nancy	Keans, Sandra
Knowles, William	Newton, Clifford	Rollo, Michael	Rous, Emma
Twombly, James	Wall, Janet		

SULLIVAN

Cloutier, John	Donovan, Thomas	Gale, Harry	Irish, Christopher
Osgood, Philip Sr	Phinیزی, James	Rodeschin, Beverly	

NAYS 48**BELKNAP**

None

CARROLL

None

CHESHIRE

Chase, William	Hunt, John	Mitchell, Bonnie
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COOS

None

GRAFTON

Aguiar, James	Almy, Susan	Bleyler, Ruth	Harding, A Laurie
McLeod, Martha	Nordgren, Sharon	Sokol, Hilda	

HILLSBOROUGH

Beaulieu, Jane	Daniuk, Caitlin	Goley, Jeffrey	Hall, Betty
Irwin, Anne-Marie	Kopka, Angeline	Martin, Mary Ellen	Movesian, Lori
O'Connell, Timothy	Rosenwald, Cindy	Schulze, Joan	Sullivan, Francis
Vaillancourt, Steve			

MERRIMACK

Clarke, Claire	Maxfield, Roy	Owen, Derek	Potter, Frances
Tilton, Joy	Tupper, Frank	Yeaton, Charles	

ROCKINGHAMAbbott, Dennis
Norelli, TerieBrown, C. Pennington
Powers, JamesGould, Kenneth
Scamman, Stella

Mason, April

STRAFFORDBrown, Lawrence
Taylor, Kathleen

Kaen, Naida

Schmidt, Peter

Smith, Marjorie

SULLIVANConverse, Larry
Jillette, Arthur JrFerland, Brenda
Prichard, Stephen

Franklin, Peter

Houde-Quimby, Charlotte

and the motion was adopted by the necessary two-thirds.

RESOLUTION

Rep. Albert offered the following: **RESOLVED**, that in accordance with the list in the possession of the Clerk, House Resolution number 25, shall be by this resolution read a first and second time by the therein listed title.
Adopted.

INTRODUCTION OF HOUSE RESOLUTION 25**First and second reading**

HR 25, condemning protests and disruptions of military funerals and memorial services.
(Albert, Straf 1)

CONSIDERATION OF HOUSE RESOLUTION 25

HR 25, condemning protests and disruptions of military funerals and memorial services.
Reps. Chaplin and Roberts spoke in favor.
Reps. Almy and Tupper spoke against.
Rep. Twombly spoke in favor and yielded to questions.
Rep. Irish requested a roll call; sufficiently seconded.

YEAS 318 NAYS 24**YEAS 318****BELKNAP**Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, WilliamBoyce, Laurie
Millham, Alida
Russell, David
Veazey, JohnClark, Charles
Nedeau, Stephen
Thomas, John
Wendelboe, FranFitzgerald, James
Pilliod, James
Tilton, Franklin
Whalley, Michael**CARROLL**Babson, David Jr
Dickinson, Howard
Morrow, Harry
Stevens, StanleyBrown, Carolyn
Knox, J David
Olimpio, J LisbethBucio, Thomas
Martin, James
Patten, BetseyChandler, Gene
McConkey, Mark
Philbrick, Donald**CHESHIRE**Allen, Peter
Coates, Christopher
Emerson, Susan
Hunt, John
Richardson, BarbaraButcher, Suzanne
Dexter, Judson
Espieffs, Peter
Parkhurst, Henry
Robertson, TimothyButynski, William
Dunn, J Timothy
Foote, Sheila
Plifka, Stanley Jr
Sawyer, SheldonChase, William
Eaton, Daniel
Hogancamp, Deborah
Pratt, John
Tilton, Anna**COOS**Buzzell, Bernard
Richardson, HerbertKing, Frederick
Stohl, EricMorneau, Renney
Theberge, RobertRemick, William
Tholl, John Jr

GRAFTON

Aguiar, James
Eaton, Stephanie
Maybeck, Margie
Solomon, Peter

Andersen, Gene
Gionet, Edmond
Mirski, Paul
Ward, John

Benn, Bernard
Hammond, Lee
Mulholland, Catherine
Williams, Burton

Cooney, Mary
Ingbretson, Paul
Naro, Debra

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Calawa, Leon Jr
Christensen, D L Chris
Cote, David
Crane, Elenore Casey
Dokmo, Cynthia
Emerton, Larry
Gargas, Carolyn
Goley, Jeffrey
Hagan, Barbara
Hawkins, Ken
Hirschmann, Keith
Jasper, Shawn
Kopka, Angeline
Lawrence, James
Matarazzo, Anthony Sr
Michon, Stephen
O'Brien, William
Pepino, Leo
Renzullo, Andrew
Ryder, Donald
Shaw, Barbara
Stepanek, Stephen
Velez, Hector

Allan, Nelson
Bergeron, Jean-Guy
Brassard, Paul
Carew, James
Christiansen, Lars
Cote, Peter
Daniuk, Caitlin
Drisko, Richard
Essex, David
Gibson, John
Gorman, Mary
Haley, Robert
Hebert, Raymond
Holden, Randolph
Jean, Claudette
Kurk, Neal
Lefebvre, Roland
McRae, Karen
Mooney, Maureen
O'Connell, Timothy
Pilotte, Maurice
Rosenwald, Cindy
Scanlon, Michael
Slocum, Lee
Sullivan, Peter
Villeneuve, Maurice

Balboni, Michael
Bergin, Peter
Brundige, Robert
Carter, Mark
Clark, Mark
Coughlin, Pamela
Desmarais, Vivian
Dyer, Donald
Foster, Linda
Ginsburg, Ruth
Goyette, Peter Jr
Hansen, Ryan
Hellwig, Steve
Infantine, William
Jeudy, Jean
L'Heureux, Robert
Lessard, Rudy
Mead, Robert
Moran, Edward
Ober, Lynne
Price, Pamela
Ross, Lawrence
Schulze, Joan
Smith, David
Tahir, Saghir
Wheeler, Robert

Baroody, Benjamin
Biundo, Michael
Buhlman, David
Chase, Claudia
Clemons, Jane
Craig, James
DeVries, Betsi
Elliott, Nancy
Francoeur, Bea
Golding, William
Graham, John
Harvey, Suzanne
Hinkle, Peyton
Irwin, Anne-Marie
Johnson, Paula
Lasky, Bette
Martin, Mary Ellen
Messier, Irene
Movsesian, Lori
Pappas, Christopher
Reeves, Sandra
Rowe, Robert
Shattuck, Gilman
Souza, Kathleen
Ulery, Jordan

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Hamm, Christine
Klose, John
Marple, Richard
Reardon, Tara
Shurtleff, Stephen
Wallner, Mary Jane

Blanchard, Elizabeth
Currier, David
Foote, Robert
Hess, David
L'Heureux, Stephen
McMahon, Patricia
Reed, Dennis
Soltani, Tony
Walz, Mary Beth

Bouchard, Candace
Danforth, James
French, Barbara
Kennedy, Richard
Langlais, Thomas
Oliver, James
Rush, Deanna
Tilton, Joy
Whiting, Herbert

Brueggemann, Donald
DeJoie, John
Greco, Vincent
Kidder, David
Lockwood, Priscilla
Osborne, Jessie
Ryan, Jim
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Bettencourt, David
Cady, Harriet
Casey, Kimberley
Dalrymple, Janeen
Fesh, Bob
Francoeur, Sheila
Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Langley, Jane

Allen, Mary
Bishop, Franklin
Cali-Pitts, Jacqueline
Charron, Gene
DiFruscia, Anthony
Flanders, John Sr
Garrity, James
Headd, James
Ingram, Russell
Katsakiores, George
Lund, Howie

Asselin, Michael
Brown, C. Pennington
Camm, Kevin
Coburn, James
Dowd, John
Flockhart, Eileen
Gilbert, Karl
Hopfgarten, Paul
Introne, Robert
Katsakiores, Phyllis
Major, Norman

Belanger, Ronald
Buxton, Donald
Carson, Sharon
Cooney, Richard
Dumaine, Dudley
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Itse, Daniel
Kobel, Rudolph
Mason, April

McKinney, Betsy
 Nowe, Ronald
 Powers, James
 Rausch, James
 Sanders, Elisabeth
 Stone, Joseph
 Weldy, Norman
 Winchell, George

Moody, Marcia
 O'Neil, Michael
 Priestley, Anne
 Robertson, Carl
 Scamman, Stella
 Waterhouse, Kevin
 Wells, Roger
 Zolla, William

Moore, Benjamin
 Packard, Sherman
 Quandt, Marshall Lee
 Robinson, John
 Splaine, James
 Weare, E Albert
 Weyler, Kenneth

Morris, Richard
 Parker, Benjamin
 Quandt, Matthew
 Rolston, James
 Stiles, Nancy
 Welch, David
 Wiley, Robert

STRAFFORD

Albert, Russell
 Brown, Julie
 Dunlap, Patricia
 Heon, Richard
 Newton, Clifford
 Taylor, Kathleen

Berube, Roger
 Brown, Lawrence
 Easson, Timothy
 Hilliard, Dana
 Rollo, Michael
 Twombly, James

Bickford, David
 Chaplin, Duncan
 Goodwin, Earle
 Hofemann, Roland
 Rous, Emma
 Wall, Janet

Brown, Jennifer
 Creteau, Irene
 Grassie, Anne
 Knowles, William
 Schmidt, Peter

SULLIVAN

Cloutier, John
 Irish, Christopher
 Prichard, Stephen

Donovan, Thomas
 Jillette, Arthur Jr
 Rodeschin, Beverly

Gale, Harry
 Osgood, Philip Sr

Houde-Quimby, Charlotte
 Phinzy, James

NAYS 24

BELKNAP

None

CARROLL

None

CHESHIRE

Mitchell, Bonnie

COOS

None

GRAFTON

Almy, Susan
 Nordgren, Sharon

Bleyler, Ruth
 Sokol, Hilda

Harding, A Laurie

McLeod, Martha

HILLSBOROUGH

Beaulieu, Jane
 Wheeler, James

Hall, Betty

Sullivan, Francis

Vaillancourt, Steve

MERRIMACK

Maxfield, Roy

Owen, Derek

Potter, Frances

Yeaton, Charles

ROCKINGHAM

Gould, Kenneth

Norelli, Terie

STRAFFORD

Kaen, Naida

Keans, Sandra

Smith, Marjorie

SULLIVAN

Converse, Larry
 and *HR 25* was adopted.

Ferland, Brenda

Franklin, Peter

Rep. O'Neil moved that *HR 25*, condemning protests and disruptions of military funerals and memorial services, be read a third time and passed.

Adopted.

Third reading and final passage

HR 25, condemning protests and disruptions of military funerals and memorial services.

MOTION TO PRINT DEBATE

Rep. Mirski moved that the debate on **HR 25**, be printed in the Permanent Journal.
Adopted.

DEBATE ON HOUSE RESOLUTION 25**Debate on the motion to adopt HR 25**

Rep. Chaplin: Thank you Mr. Speaker. Honored colleagues, I rise in support of Rep. Russ Albert's House Resolution 25. Rep. Albert is an honored Marine Corps veteran. As a member of Delta Company's 2nd Battalion, 5th Marine Regiment, in September 1950, Rep. Albert participated in the assault company to seize the sea wall at Inch'on, Korea and several days later, he was a member of the assault company to overcome an attack by six North Korean tanks for the entrance into the city of Seoul. These were actions in which Rep. Albert was one of only 26 survivors. All the officers and most of the NCOs lost their lives. For this, Rep. Albert received three Bronze Star medals for bravery and two Purple Hearts for wounds and was placed on the permanent disabilities retirement rolls of the United States Marine Corps. He speaks, then, from experience.

In January 1952, I met 2nd Lieutenant Jack Babson in the morgue of the United States Naval Shipyard in Brooklyn, New York for the purpose of being an escort officer to his interment in the town cemetery of Contoocook, New Hampshire. When the train's baggage car door opened in Contoocook, there was an honor guard of the town's veterans from World War II. In spite of two days of heavy snow and bitter winds, and the Presidents' birthday holiday, the entire town visited the gravesite ceremony of 2nd Lieutenant John Lowe Babson, V, 12th descendent of Thomas Babson, 2nd Lieutenant, United States Marine Corps Reserve in Korea who was killed on the 26th of October, 1952. As Thomas E. Babson said, "His predecessors would have been proud of the great sacrifices he made for his country."

Mr. Speaker, and fellow representatives, I invite and encourage each of you to protect the promise by the people of the United States to return all men and women who died in the service of their country to their next of kin for final and proper disposal. By pressing the green button, you will help to keep this promise. I'll take no questions.

Rep. Roberts: Thank you, Mr. Speaker. Good morning, fellow representatives. What I'm going to say is not easy and I may get emotional, but I will not apologize. It will only take about 30 seconds of your time and I hope everyone listens well.

I am an American service member. As an American service member, I do not have to support your opinions. I do not have to support your religious beliefs, your moral convictions, or even your way of life. As an American service member, I don't even have to be an American citizen with the rights and privilege of citizenship. However, as an American service member, I would, without hesitation, risk my life to ensure that your rights and your way of life are fully protected. And for that I ask very little in return. All I ask is if I am called upon to make the ultimate sacrifice, a decision I hopefully will make with honor and dignity, is that you treat my death and my family's loss with the same honor and dignity. All I ask is that before I am placed in my final resting place and dirt covers my casket, is that this great nation of ours guarantees my family a few, final, private moments. As an American service member, I should never be viewed as a political pawn. Please respect my sacrifice. Please respect my family's loss. There are countless ways for people to exercise their first amendment rights, but I can think of no justification whatsoever, that would give even my closest friends, let alone strangers, the right to tarnish my family's last moments with me. Now, today when you vote, your vote could determine if my children return to visit me or shun me because they only remembered the negative actions of strangers at my funeral.

Rep. Marjorie Smith: Would you believe that my husband served in Vietnam and we were, I was, subject to a lot of hate, but would this cover me if someone took umbrage with a vote that I made and there are many who have in this House who are of a certain persuasion and they wanted to protest my funeral? Would I be protected?

Rep. Roberts: I don't think you would be protected under the way the House resolution is written, but I feel that any funeral of any individual of this great country is a private moment that should be respected with their family and their closest friends. It should not be the subject of anybody's "first amendment rights" at that particular time.

Rep. Almy: I'm sorry. I wanted to be able to divide this once I saw it. Apparently, I am unable to divide this. I agree entirely with the first three paragraphs. I agree that the exercise of a person's right to voice his or her objection to involvement of the United States in war must be balanced against other persons' rights to personal safety during a funeral, burial, memorial service or funeral procession, if a person has served in a war or anywhere else. I do not approve at all of what is going on with this particular group that is protesting at funerals. But I have no idea what is in (United States) House Resolution 5037 that we are being asked to tell the Senate to pass as well. This is a first amendment issue so it does take careful balancing and it takes due deliberation. We have not been able to do that in this House and are depending on the US House of Representatives for their due deliberation which probably didn't happen. So I feel compelled to speak against this bill. I would rather just speak against that paragraph and the paragraph that urges the Senate to adopt whatever the United States House did. I would like us to consider legislation next year and try to figure out what we do about it. Thank you, very much.

Rep. Twombly: Thank you, Mr. Speaker. The brave New Hampshire men and women of our nation's armed forces who have made the ultimate sacrifice in the defense of our freedom deserve better than what they could be faced with. People can have different feelings about the military conflicts our nation is involved in, but desecrating the memory of the dead and trying to inflict more pain on their loved ones who are already suffering, which has been practiced in other states, is a deplorable way to try to express those feelings. Families have rights, too. Families have the right to mourn the loss of their loved one in peace. If protesters want to share their opinions, they can do so at a respectful distance. Protesting today has become an art form from the vast vocal minority. I once read that a mother asked President Bush, "Why did my son have to die in Iraq?" Another mother asked President Kennedy, "Why did my son have to die in Vietnam?" Another mother asked President Truman, "Why did my son have to die in Korea?" Another mother asked President Roosevelt, "Why did my son have to die at Iwo Jima?" Another mother asked President Wilson, "Why did my son have to die on the battlefields of France?" Another mother asked President Lincoln, "Why did my son have to die at 'Gettysburg?'" Another mother asked President Washington, "Why did my son have to die near Valley Forge?" The answer to all of these is similar. So that others may have life and dwell in peace, happiness and freedom. If you don't and won't stand behind our troops, please feel free to stand in front of theirs.

Rep. Tupper: Thank you, Mr. Speaker. Honorable Representative. I have one concern about this. If the House of Representatives passed HR 25, and in the last paragraph we are being asked to consider it for legislation in the 2007 session, why are we debating this or why are we having this introduced today?

Rep. Twombly: Well, from a timeliness point of view, we still have our young kids coming back in body bags, boxes, caskets, New Hampshire boys, and young men and women and I think if whoever this group is that started to do these protests shows up in New Hampshire, we want to have something on the books. And I think we need to introduce legislation next term that will put some teeth into this.

Rep. Tupper: Thank you. Mr. Speaker, and thank you, Representative. The other question that I have is on the, let's see, one, two, three, fourth paragraph, it talks about prohibiting demonstrations at national cemeteries. If a person in military service is being interned not in a national cemetery, would this bill cover them?

Rep. Twombly: Probably not. I'm only thinking of, trying to get something on the books where it could be refined later on. There's no penalty at this point. It could be done, and what do you do? There's nothing to say. There isn't any penalty involved with any protester who might be within a distance, let's say, of 500 feet, whatever is written in law. So, I think what we want to try and do is get this; at least, a resolution is a voice, an opinion and get that at least on the books now and refine it better later.

Vote on the motion to adopt HR 25
Roll call Y-318, N-24 motion adopted

The House recessed at 11:35 a.m.

RECESS

(Speaker Scamman in the Chair)

The House reconvened at 1:30 p.m.

SENATE MESSAGE**ADOPTION OF COMMITTEE OF CONFERENCE REPORTS**

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence.

HB 76, relative to distribution of state aid to charter schools.

HB 349, relative to placement and removal of political advertising.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination.

HB 582, relative to the policy for records management.

HB 587, relative to child abuse and neglect investigations by the department of health and human services.

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

HB 678-FN, relative to the insurance premium tax.

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

HB 1146, establishing a committee to study renewable portfolio standards.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel.

HB 1238-FN, relative to centralized voter registration database information.

HB 1315, relative to the definition and classification of dams.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.

HB 1332, establishing a commission to study health care in New Hampshire correctional facilities.

HB 1343, relative to the duties of the council on resources and development.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control.

HB 1426, granting a right-of-way over state-owned land.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor.

HB 1463-FN, relative to boating and water safety.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits.

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire.

HB 1508, relative to acceptance of applications by planning boards.

HB 1574, relative to membership on the public employees deferred compensation commission.

HB 1590-FN, relative to the pari-mutuel commission.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state.

HB 1692-FN, establishing the New Hampshire sexual predators act.

HB 1697-FN, relative to certain state salaries.

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

HB 1720-FN, relative to notice of parent liability in CHINS proceedings.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

HB 1758, classifying biodiesel as a renewable energy source.

HB 1761, relative to hold over tenants in vacation or recreational rental units.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor.

ENROLLED BILL AMENDMENTS

SB 200, establishing the uniform athlete agents act. (Amendment printed SJ 05/11/06)
Adopted.

SB 244, relative to unclaimed deposits for utility services. (Amendment printed SJ 05/11/06)
Adopted.

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. (Amendment printed SJ 05/11/06)
Adopted.

SB 252, relative to certification of speech-language assistants for purposes of speech language pathology practice. (Amendment printed SJ 05/11/06)
Adopted.

SB 262, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. (Amendment printed SJ 05/11/06)
Adopted.

SB 284-FN, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts. (Amendment printed SJ 05/11/06)
Adopted.

SB 323, establishing a legislative youth advisory council. (Amendment printed SJ 05/11/06)
Adopted.

SB 391-FN, relative to insurance third party administrators. (Amendment printed SJ 05/11/06)
Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 385, 592, 627, 645, 653, 1113, 1116, 1192, 1206, 1223, 1231, 1241, 1265, 1274, 1285, 1295, 1305, 1337, 1386, 1424, 1427, 1435, 1448, 1470, 1567, 1583, 1612, 1624, 1625, 1630, 1648, 1662, 1667, 1671, 1679, 1711, 1718, 1735 and 2006, and Senate Bills numbered 190, 221, 231, 239, 246, 269, 281, 283, 294, 300, 305, 319, 327, 334, 341, 382 and 405.

Rep. Currier, Sen. D'Allesandro for the Committee

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 76, relative to distribution of state aid to charter schools. (Report printed SJ 05/24/06)
Rep. Balboni yielded to questions.
Committee of Conference report adopted.

HB 349, relative to placement and removal of political advertising. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 506, including employees of charitable organizations under the protection of the state law against discrimination. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 582, relative to the policy for records management. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 587, relative to child abuse and neglect investigations by the department of health and human services. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders. (Report printed SJ 05/24/06)

Rep. Souza inquired if the amendment, added by the Committee of Conference, was germane, and requested a ruling by the Speaker.

The Speaker ruled the amendment was germane.

Rep. Souza appealed the ruling of the Speaker.

(Deputy Speaker Weyler in the Chair)

Rep. Dokmo requested a roll call; sufficiently seconded.

YEAS 263 NAYS 79

YEAS 263

BELKNAP

Allen, Janet	Clark, Charles	Fitzgerald, James	Flanders, Donald
Millham, Alida	Nedean, Stephen	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tobin, William	Whalley, Michael

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Morrow, Harry	Olimpio, J Lisbeth	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espieles, Peter	Foot, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Plifka, Stanley Jr	Pratt, John
Richardson, Barbara	Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna

COOS

Buzzell, Bernard	King, Frederick	Remick, William	Richardson, Herbert
Theberge, Robert	Tholl, John Jr		

GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Dorsett, Andrew	Eaton, Stephanie
Hammond, Lee	Harding, A Laurie	McLeod, Martha	Mulholland, Catherine
Naro, Debra	Nordgren, Sharon	Sokol, Hilda	Solomon, Peter
Sorg, Gregory	Ward, John	Williams, Burton	

HILLSBOROUGH

Allan, Nelson	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Bergin, Peter	Boehm, Ralph	Brundige, Robert	Calawa, Leon Jr
Campbell, David	Chase, Claudia	Christensen, D L Chris	Christiansen, Lars
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia	Drisko, Richard
Emerton, Larry	Essex, David	Foster, Linda	Gargas, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Goyette, Peter Jr	Graham, John	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hawkins, Ken	Hebert, Raymond	Holden, Randolph
Infantine, William	Irwin, Anne-Marie	Jasper, Shawn	Jean, Claudette
Johnson, Paula	Kopka, Angeline	Kurk, Neal	L'Heureux, Robert

Lasky, Bette
Matarazzo, Anthony Sr
Moran, Edward
Pappas, Christopher
Ross, Lawrence
Shaw, Barbara
Sullivan, Peter
Wheeler, Robert

Lawrence, James
McRae, Karen
Movsesian, Lori
Pilotte, Maurice
Ryder, Donald
Smith, David
Vaillancourt, Steve

Lefebvre, Roland
Messier, Irene
O'Connell, Timothy
Price, Pamela
Scanlon, Michael
Stepanek, Stephen
Veletz, Hector

Martin, Mary Ellen
Michon, Stephen
Ober, Lynne
Rosenwald, Cindy
Shattuck, Gilman
Sullivan, Francis
Villeneuve, Maurice

MERRIMACK

Anderson, Eric
Clarke, Claire
DeStefano, Stephen
Hager, Elizabeth
Klose, John
Maxfield, Roy
Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Blanchard, Elizabeth
Currier, David
Foose, Robert
Hamm, Christine
L'Heureux, Stephen
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Bouchard, Candace
Danforth, James
French, Barbara
Hess, David
Lockwood, Priscilla
Oliver, James
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Brueggemann, Donald
DeJoie, John
Greco, Vincent
Kidder, David
Marple, Richard
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Cooney, Richard
Flockhart, Eileen
Gillick, Thomas
Johnson, Robert
Mason, April
Moore, Benjamin
Packard, Sherman
Robertson, Carl
Scamman, Stella
Stone, Joseph
Wells, Roger

Asselin, Michael
Casey, Kimberley
DiFruscia, Anthony
Forsing, Robert
Gould, Kenneth
Katsakiores, George
McKinney, Betsy
Morris, Richard
Powers, James
Robinson, John
Scamman, W Douglas
Weare, E Albert
Winchell, George

Brown, C. Pennington
Charron, Gene
Dowd, John
Francoeur, Sheila
Griffin, Mary
Langley, Jane
McMahon, Charles
Norelli, Terie
Priestley, Anne
Rolston, James
Splaine, James
Welch, David

Buxton, Donald
Coburn, James
Flanders, John Sr
Garrity, James
Hughes, Daniel
Major, Norman
Moody, Marcia
O'Neil, Michael
Rausch, James
Sanders, Elisabeth
Stiles, Nancy
Weldy, Norman

STRAFFORD

Berube, Roger
Brown, Lawrence
Goodwin, Earle
Hofemann, Roland
Knowles, William
Smith, Marjorie
Wall, Janet

Bickford, David
Cataldo, Sam
Grassie, Anne
Johnson, Nancy
Rollo, Michael
Spang, Judith

Brown, Jennifer
Creteau, Irene
Heon, Richard
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Julie
Dunlap, Patricia
Hilliard, Dana
Keans, Sandra
Schmidt, Peter
Twombly, James

SULLIVAN

Cloutier, John
Franklin, Peter
Phinizy, James

Converse, Larry
Gale, Harry
Prichard, Stephen

Donovan, Thomas
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

NAYS 79

BELKNAP

Boyce, Laurie

Tilton, Franklin

Wendelboe, Fran

CARROLL

Buco, Thomas

Martin, James

McConkey, Mark

CHESHIRE

Butynski, William

COOS

Morneau, Renney

Stohl, Eric

GRAFTON

Gionet, Edmond

Ingbreton, Paul

Maybeck, Margie

Mirski, Paul

HILLSBOROUGH

Adams, Jarvis IV

Balboni, Michael

Bergeron, Jean-Guy

Biundo, Michael

Brassard, Paul

Buhlman, David

Carew, James

Carter, Mark

Coughlin, Pamela

Crane, Elenore Casey

Desmarais, Vivian

Dyer, Donald

Elliott, Nancy

Francoeur, Bea

Gibson, John

Gonzalez, Carlos

Hagan, Barbara

Hellwig, Steve

Hinkle, Peyton

Hirschmann, Keith

Judy, Jean

Mead, Robert

Mooney, Maureen

O'Brien, William

Pepino, Leo

Reeves, Sandra

Renzullo, Andrew

Rowe, Robert

Schulze, Joan

Slocum, Lee

Souza, Kathleen

Tahir, Saghir

Ulery, Jordan

Wheeler, James

MERRIMACK

Kennedy, Richard

Langlais, Thomas

Soltani, Tony

ROCKINGHAM

Allen, Mary

Belanger, Ronald

Bettencourt, David

Bishop, Franklin

Cady, Harriet

Camm, Kevin

Carson, Sharon

Dalrymple, Janeen

Dumaine, Dudley

Fesh, Bob

Gilbert, Karl

Headd, James

Hopfgarten, Paul

Hutchinson, Karen

Ingram, Russell

Introne, Robert

Itse, Daniel

Katsakiores, Phyllis

Kobel, Rudolph

Lund, Howie

Nowe, Ronald

Quandt, Marshall Lee

Quandt, Matthew

Waterhouse, Kevin

STRAFFORD

Chaplin, Duncan

Easson, Timothy

Newton, Clifford

SULLIVAN

Irish, Christopher

Osgood, Philip Sr

and the ruling of the Chair was upheld.

The question now being adoption of the Committee of Conference report.

Reps. Mead, Rowe and Hagan spoke against.

Rep. Nancy Elliott spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

MOTION TO LAY ON THE TABLE

Rep. Lund moved that **HB 656-FN**, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders, be laid on the table.

Rep. Desmarais requested a roll call; sufficiently seconded.

YEAS 157 NAYS 175**YEAS 157****BELKNAP**

Allen, Janet

Boyce, Laurie

Fitzgerald, James

Nedeau, Stephen

Rosen, Ralph

Thomas, John

Tilton, Franklin

Tobin, William

Veazey, John

Wendelboe, Fran

Whalley, Michael

CARROLL

Brown, Carolyn

Bucu, Thomas

Chandler, Gene

McConkey, Mark

Merrow, Harry

Olimpio, J Lisbeth

Patten, Betsey

Stevens, Stanley

CHESHIRE

Butynski, William Coates, Christopher

COOS

Morneau, Renney Remick, William Richardson, Herbert Stohl, Eric

GRAFTON

Eaton, Stephanie Gionet, Edmond Ingbretson, Paul Maybeck, Margie
Mirski, Paul Sorg, Gregory Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Campbell, David	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Coughlin, Pamela
Crane, Elenore Casey	Desmarais, Vivian	Dyer, Donald	Elliott, Nancy
Francoeur, Bea	Gibson, John	Gonzalez, Carlos	Goyette, Peter Jr
Hagan, Barbara	Hansen, Ryan	Hebert, Raymond	Hellwig, Steve
Hinkle, Peyton	Hirschmann, Keith	Jasper, Shawn	Jean, Claudette
Judy, Jean	L'Heureux, Robert	Lawrence, James	Martin, Mary Ellen
McRae, Karen	Mead, Robert	Michon, Stephen	O'Brien, William
O'Connell, Timothy	Ober, Lynne	Reeves, Sandra	Renzullo, Andrew
Rowe, Robert	Scanlon, Michael	Slocum, Lee	Smith, David
Souza, Kathleen	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Blanchard, Elizabeth	Currier, David	DeStefano, Stephen	Hess, David
Kennedy, Richard	Klose, John	Langlais, Thomas	Marple, Richard
Soltani, Tony	Whiting, Herbert		

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Griffin, Mary	Headd, James	Hughes, Daniel
Hutchinson, Karen	Ingram, Russell	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Lund, Howie
Mason, April	McKinney, Betsy	McMahon, Charles	Moore, Benjamin
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee
Quandt, Matthew	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Welch, David	Weldy, Norman	Wells, Roger	Winchell, George
Zolla, William			

STRAFFORD

Bickford, David	Cataldo, Sam	Chaplin, Duncan	Easson, Timothy
Heon, Richard	Newton, Clifford	Twombly, James	

SULLIVAN

Gale, Harry	Irish, Christopher	Osgood, Philip Sr	Rodeschin, Beverly
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NAYS 175**BELKNAP**

Clark, Charles	Flanders, Donald	Millham, Alida	Pilliod, James
Russell, David			

CARROLL

Babson, David Jr
Philbrick, Donald

Dickinson, Howard

Knox, J David

Martin, James

CHESHIRE

Allen, Peter
Dunn, J Timothy
Foote, Sheila
Parkhurst, Henry
Robertson, Timothy

Butcher, Suzanne
Eaton, Daniel
Hogancamp, Deborah
Plifka, Stanley Jr
Sawyer, Sheldon

Chase, William
Emerson, Susan
Hunt, John
Pratt, John
Tilton, Anna

Dexter, Judson
Espieffs, Peter
Mitchell, Bonnie
Richardson, Barbara

COOS

King, Frederick

Tholl, John Jr

GRAFTON

Aguiar, James
Bleyler, Ruth
McLeod, Martha
Sokol, Hilda

Almy, Susan
Cooney, Mary
Mulholland, Catherine
Solomon, Peter

Andersen, Gene
Hammond, Lee
Naro, Debra

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Clemons, Jane
Daniuk, Caitlin
Emerton, Larry
Ginsburg, Ruth
Haley, Robert
Infantine, William
Kurk, Neal
Messier, Irene
Pappas, Christopher
Ryder, Donald
Sullivan, Peter

Beaulieu, Jane
Cote, David
DeVries, Betsi
Essex, David
Golding, William
Hall, Betty
Irwin, Anne-Marie
Lasky, Bette
Mooney, Maureen
Pilotte, Maurice
Shattuck, Gilman
Vaillancourt, Steve

Bergin, Peter
Cote, Peter
Dokmo, Cynthia
Foster, Linda
Goley, Jeffrey
Harvey, Suzanne
Johnson, Paula
Lefebvre, Roland
Moran, Edward
Price, Pamela
Shaw, Barbara
Velez, Hector

Chase, Claudia
Craig, James
Drisko, Richard
Gargasch, Carolyn
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
Movsesian, Lori
Rosenwald, Cindy
Sullivan, Francis

MERRIMACK

Anderson, Eric
Danforth, James
Greco, Vincent
L'Heureux, Stephen
Oliver, James
Reardon, Tara
Tilton, Joy
Williams, Robert

Bouchard, Candace
DeJoie, John
Hager, Elizabeth
Lockwood, Priscilla
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Brueggemann, Donald
Foose, Robert
Hamm, Christine
Maxfield, Roy
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Clarke, Claire
French, Barbara
Kidder, David
McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

ROCKINGHAM

Abbott, Dennis
Dowd, John
Kobel, Rudolph
Morris, Richard
Rausch, James
Sanders, Elisabeth
Stone, Joseph

Brown, C. Pennington
Flanders, John Sr
Langley, Jane
Norelli, Terie
Robertson, Carl
Scamman, Stella

Buxton, Donald
Flockhart, Eileen
Major, Norman
Powers, James
Robinson, John
Scamman, W Douglas

Casey, Kimberley
Gould, Kenneth
Moody, Marcia
Priestley, Anne
Rolston, James
Splaine, James

STRAFFORD

Berube, Roger
Creteau, Irene
Hofemann, Roland
Knowles, William
Smith, Marjorie

Brown, Jennifer
Dunlap, Patricia
Johnson, Nancy
Rollo, Michael
Taylor, Kathleen

Brown, Julie
Goodwin, Earle
Kaen, Naida
Rous, Emma
Wall, Janet

Brown, Lawrence
Grassie, Anne
Keans, Sandra
Schmidt, Peter

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James
Prichard, Stephen			

and the motion failed.

The question now being adoption of the Committee of Conference report.

Rep. Itse spoke against and yielded to questions.

Rep. Dokmo spoke in favor.

Rep. David Campbell moved the previous question.

Adopted.

Rep. Mead requested a roll call; sufficiently seconded.

YEAS 168 NAYS 165**YEAS 168****BELKNAP**

Allen, Janet	Clark, Charles	Flanders, Donald	Millham, Alida
Pilliod, James	Russell, David		

CARROLL

Babson, David Jr	Dickinson, Howard	Knox, J David	Martin, James
Philbrick, Donald			

CHESHIRE

Allen, Peter	Butcher, Suzanne	Chase, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Emerson, Susan
Espiefs, Peter	Footte, Sheila	Hogancamp, Deborah	Hunt, John
Mitchell, Bonnie	Parkhurst, Henry	Pratt, John	Richardson, Barbara
Robertson, Timothy	Sawyer, Sheldon	Tilton, Anna	

COOS

Buzzell, Bernard	King, Frederick	Tholl, John Jr
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GRAFTON

Aguir, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Emerton, Larry	Essex, David	Foster, Linda
Gargas, Carolyn	Ginsburg, Ruth	Golding, William	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jeudy, Jean
Kurk, Neal	Lasky, Bette	Lefebvre, Roland	Matarazzo, Anthony Sr
Messier, Irene	Mooney, Maureen	Movsesian, Lori	O'Connell, Timothy
Pappas, Christopher	Pilotte, Maurice	Price, Pamela	Rosenwald, Cindy
Ross, Lawrence	Shattuck, Gilman	Shaw, Barbara	Sullivan, Francis
Vaillancourt, Steve	Velez, Hector		

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	Foose, Robert	French, Barbara
Greco, Vincent	Hamm, Christine	Kidder, David	Maxfield, Roy

McMahon, Patricia
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

Oliver, James
Reardon, Tara
Tilton, Joy
Whiting, Herbert

Osborne, Jessie
Rush, Deanna
Tupper, Frank
Williams, Robert

Owen, Derek
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Flanders, John Sr
Langley, Jane
Priestley, Anne
Sanders, Elisabeth
Stone, Joseph

Brown, C. Pennington
Flockhart, Eileen
Moody, Marcia
Robertson, Carl
Scamman, Stella

Buxton, Donald
Gould, Kenneth
Norelli, Terie
Robinson, John
Scamman, W Douglas

Dowd, John
Ingram, Russell
Powers, James
Rolston, James
Splaine, James

STRAFFORD

Berube, Roger
Creteau, Irene
Kaen, Naida
Rous, Emma
Taylor, Kathleen

Brown, Julie
Dunlap, Patricia
Keans, Sandra
Schmidt, Peter
Wall, Janet

Brown, Lawrence
Grassie, Anne
Knowles, William
Smith, Marjorie

Chaplin, Duncan
Johnson, Nancy
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Phinzy, James

Ferland, Brenda
Prichard, Stephen

Franklin, Peter

NAYS 165

BELKNAP

Boyce, Laurie
Tilton, Franklin
Whalley, Michael

Fitzgerald, James
Tobin, William

Nedeau, Stephen
Veazey, John

Rosen, Ralph
Wendelboe, Fran

CARROLL

Brown, Carolyn
Morrow, Harry

Buco, Thomas
Olimpio, J Lisbeth

Chandler, Gene
Patten, Betsey

McConkey, Mark
Stevens, Stanley

CHESHIRE

Butynski, William

COOS

Morneau, Renney
Theberge, Robert

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Eaton, Stephanie
Mirski, Paul

Gionet, Edmond
Sorg, Gregory

Ingbretson, Paul

Maybeck, Margie

HILLSBOROUGH

Adams, Jarvis IV
Bergeron, Jean-Guy
Brundige, Robert
Carter, Mark
Crane, Elenore Casey
Francoeur, Bea
Hagan, Barbara
Hellwig, Steve
Jean, Claudette
Lawrence, James
Michon, Stephen
Pepino, Leo
Ryder, Donald
Souza, Kathleen
Ulery, Jordan

Allan, Nelson
Biundo, Michael
Buhlan, David
Christensen, D L Chris
Desmarais, Vivian
Gibson, John
Haley, Robert
Hinkle, Peyton
Johnson, Paula
Martin, Mary Ellen
Moran, Edward
Reeves, Sandra
Scanlon, Michael
Stepanek, Stephen
Villeneuve, Maurice

Balboni, Michael
Boehm, Ralph
Calawa, Leon Jr
Christiansen, Lars
Dyer, Donald
Goyette, Peter Jr
Hansen, Ryan
Hirschmann, Keith
Kopka, Angeline
McRae, Karen
O'Brien, William
Renzullo, Andrew
Slocum, Lee
Sullivan, Peter
Wheeler, James

Batula, Peter
Brassard, Paul
Carew, James
Coughlin, Pamela
Elliott, Nancy
Graham, John
Hebert, Raymond
Jasper, Shawn
L'Heureux, Robert
Mead, Robert
Ober, Lynne
Rowe, Robert
Smith, David
Tahir, Saghir
Wheeler, Robert

MERRIMACK

Blanchard, Elizabeth	Currier, David	DeStefano, Stephen	Hess, David
Kennedy, Richard	Klose, John	Langlais, Thomas	Lockwood, Priscilla
Marple, Richard	Soltani, Tony		

ROCKINGHAM

Allen, Mary	Asselin, Michael	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Cady, Harriet	Cali-Pitts, Jacqueline	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Cooney, Richard
Dalrymple, Janeen	DiFruscia, Anthony	Dumaine, Dudley	Fesh, Bob
Forsing, Robert	Francoeur, Sheila	Garrity, James	Gilbert, Karl
Gillick, Thomas	Griffin, Mary	Headd, James	Hopfgarten, Paul
Hughes, Daniel	Hutchinson, Karen	Introne, Robert	Itse, Daniel
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Lund, Howie	Major, Norman	Mason, April	McKinney, Betsy
McMahon, Charles	Moore, Benjamin	Morris, Richard	Nowe, Ronald
O'Neil, Michael	Packard, Sherman	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert
Welch, David	Wells, Roger	Winchell, George	Zolla, William

STRAFFORD

Bickford, David	Brown, Jennifer	Cataldo, Sam	Easson, Timothy
Heon, Richard	Hofemann, Roland	Newton, Clifford	Twombly, James

SULLIVAN

Donovan, Thomas	Gale, Harry	Irish, Christopher	Jillette, Arthur Jr
Osgood, Philip Sr	Rodeschin, Beverly		

and the Committee of Conference report was adopted.

(Speaker Scamman in the Chair)**RECONSIDERATION**

Having voted with the prevailing side, Rep. Mooney moved that the House reconsider its action whereby it adopted the Committee of Conference report on **HB 656** relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

Reps. Mooney, Dokmo and Millham spoke against.

Reps. O'Neil, Crane, Soltani, and Desmarais spoke in favor.

Rep. Phinizy requested a roll call; sufficiently seconded.

YEAS 157 NAYS 172**YEAS 157****BELKNAP**

Allen, Janet	Boyce, Laurie	Fitzgerald, James	Nedeau, Stephen
Rosen, Ralph	Thomas, John	Tilton, Franklin	Tobin, William
Veazey, John	Wendelboe, Fran	Whalley, Michael	

CARROLL

Brown, Carolyn	Buco, Thomas	Chandler, Gene	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Stevens, Stanley	

CHESHIRE

Butynski, William	Dexter, Judson	Emerson, Susan	
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COOS

Morneau, Renney	Remick, William	Richardson, Herbert	Stohl, Eric
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GRAFTON

Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie	Mirski, Paul
Sorg, Gregory			

HILLSBOROUGH

Adams, Jarvis IV
 Bergeron, Jean-Guy
 Brundige, Robert
 Carter, Mark
 Crane, Elenore Casey
 Emerton, Larry
 Hagan, Barbara
 Hellwig, Steve
 L'Heureux, Robert
 Moran, Edward
 Reeves, Sandra
 Scanlon, Michael
 Stepanek, Stephen
 Wheeler, James

Allan, Nelson
 Biundo, Michael
 Buhlman, David
 Christensen, D L Chris
 Desmarais, Vivian
 Francoeur, Bea
 Haley, Robert
 Hinkle, Peyton
 Lawrence, James
 O'Brien, William
 Renzullo, Andrew
 Slocum, Lee
 Tahir, Saghir
 Wheeler, Robert

Balboni, Michael
 Boehm, Ralph
 Calawa, Leon Jr
 Christiansen, Lars
 Dyer, Donald
 Gibson, John
 Hansen, Ryan
 Hirschmann, Keith
 McRae, Karen
 Ober, Lynne
 Rowe, Robert
 Smith, David
 Ulery, Jordan

Batula, Peter
 Brassard, Paul
 Carew, James
 Coughlin, Pamela
 Elliott, Nancy
 Goyette, Peter Jr
 Hebert, Raymond
 Jasper, Shawn
 Mead, Robert
 Pepino, Leo
 Ryder, Donald
 Souza, Kathleen
 Villeneuve, Maurice

MERRIMACK

Blanchard, Elizabeth
 Klose, John
 Whiting, Herbert

Currier, David
 Langlais, Thomas

Hess, David
 Marple, Richard

Kennedy, Richard
 Soltani, Tony

ROCKINGHAM

Allen, Mary
 Bishop, Franklin
 Charron, Gene
 DiFruscia, Anthony
 Francoeur, Sheila
 Griffin, Mary
 Hutchinson, Karen
 Johnson, Robert
 Lund, Howie
 Morris, Richard
 Quandt, Marshall Lee
 Waterhouse, Kevin
 Weyler, Kenneth

Asselin, Michael
 Cady, Harriet
 Coburn, James
 Dumaine, Dudley
 Garrity, James
 Headd, James
 Ingram, Russell
 Katsakiores, George
 Major, Norman
 Nowe, Ronald
 Quandt, Matthew
 Weare, E Albert
 Winchell, George

Belanger, Ronald
 Camm, Kevin
 Cooney, Richard
 Fesh, Bob
 Gilbert, Karl
 Hopfgarten, Paul
 Introne, Robert
 Katsakiores, Phyllis
 Mason, April
 O'Neil, Michael
 Rausch, James
 Welch, David
 Zolla, William

Bettencourt, David
 Carson, Sharon
 Dalrymple, Janeen
 Forsing, Robert
 Gillick, Thomas
 Hughes, Daniel
 Itse, Daniel
 Kobel, Rudolph
 McMahon, Charles
 Packard, Sherman
 Stiles, Nancy
 Wells, Roger

STRAFFORD

Berube, Roger
 Easson, Timothy
 Twombly, James

Bickford, David
 Heon, Richard

Cataldo, Sam
 Hofemann, Roland

Chaplin, Duncan
 Newton, Clifford

SULLIVAN

Donovan, Thomas

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 172**BELKNAP**

Clark, Charles
 Russell, David

Flanders, Donald

Millham, Alida

Pilliod, James

CARROLL

Babson, David Jr
 Philbrick, Donald

Dickinson, Howard

Knox, J David

Martin, James

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Hogancamp, Deborah
 Pratt, John
 Tilton, Anna

Butcher, Suzanne
 Eaton, Daniel
 Hunt, John
 Richardson, Barbara

Chase, William
 Espiefs, Peter
 Mitchell, Bonnie
 Robertson, Timothy

Coates, Christopher
 Foote, Sheila
 Parkhurst, Henry
 Sawyer, Sheldon

COOS

Buzzell, Bernard	King, Frederick	Theberge, Robert	Tholl, John Jr
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda	Solomon, Peter	Williams, Burton	

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Bergin, Peter	Campbell, David
Chase, Claudia	Clemons, Jane	Cote, David	Cote, Peter
Craig, James	Daniuk, Caitlin	DeVries, Betsi	Dokmo, Cynthia
Drisko, Richard	Essex, David	Foster, Linda	Gargas, Carolyn
Ginsburg, Ruth	Golding, William	Goley, Jeffrey	Gorman, Mary
Graham, John	Hall, Betty	Harvey, Suzanne	Hawkins, Ken
Holden, Randolph	Infantine, William	Irwin, Anne-Marie	Jean, Claudette
Judy, Jean	Johnson, Paula	Kopka, Angeline	Kurk, Neal
Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen	Matarazzo, Anthony Sr
Messier, Irene	Michon, Stephen	Mooney, Maureen	Movesian, Lori
O'Connell, Timothy	Pappas, Christopher	Pilotte, Maurice	Price, Pamela
Rosenwald, Cindy	Ross, Lawrence	Shattuck, Gilman	Shaw, Barbara
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector

MERRIMACK

Anderson, Eric	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
Danforth, James	DeJoie, John	DeStefano, Stephen	Foose, Robert
French, Barbara	Greco, Vincent	Hamm, Christine	Kidder, David
Lockwood, Priscilla	Maxfield, Roy	McMahon, Patricia	Oliver, James
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tilton, Joy	Tupper, Frank
Wallner, Mary Jane	Walz, Mary Beth	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Brown, C. Pennington	Buxton, Donald	Cali-Pitts, Jacqueline
Dowd, John	Flanders, John Sr	Flockhart, Eileen	Gould, Kenneth
Langley, Jane	McKinney, Betsy	Moody, Marcia	Norelli, Terie
Powers, James	Priestley, Anne	Robertson, Carl	Robinson, John
Rolston, James	Sanders, Elisabeth	Scamman, Stella	Splaine, James
Stone, Joseph			

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Johnson, Nancy	Kaen, Naida
Keans, Sandra	Knowles, William	Rollo, Michael	Rous, Emma
Schmidt, Peter	Smith, Marjorie	Spang, Judith	Taylor, Kathleen
Wall, Janet			

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and the motion failed.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, the following protest was presented to be entered in the Permanent Journal.

HB 656, as approved by the House, unlawfully and in violation of the provision of our constitution delegates the authority to make decisions concerning life and death of ill citizens to unknown

"facilities," through enactment of "policies." This bill is an abrogation of our constitutional duty to ensure that the life of the citizens are properly protected. This bill elevates private policies to the level of duly enacted laws by this legislature, exposing the most vulnerable among us to untimely death.

Those who need the protection of the law the most are placed at the mercy of unelected and unaccountable entities which may be chartered for profit. This bill extends unprecedented degree of immunity where there should be none. This bill also attempts to confuse, beguile and mislead, through rewriting the common meaning of words and phrases. The bill redefines euthanasia, and by far, this bill is the most shameful act of this legislative session.

The House should not grant an immunized license to kill innocent lives.

Reps. Soltani, Boyce, Crane, Carter, Bergeron, Carew, Balboni, Hopfgarten, Gionet, Hutchinson, Merrow, Forsing, Belanger, Rosen, Ulery, Hinkle, Adams, Lund, Babson, Waterhouse, Nowe, Reeves, Introne, Griffin, P. Katsakiores, Desmarais, Dumaine, Villeneuve, Nancy Elliott, Hagan, Tahir, Pepino, Morris, Bettencourt, Hirschmann, Souza, Itse, Carson, Mirski, Ingbreton, Newton, Mead, Hellwig, Cady, O'Brien, Wendelboe, and Rowe.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)

HB 678-FN, relative to insurance premium tax. (Report printed SJ 05/24/06)

Rep. Jasper spoke against and yielded to questions.

Reps. Charles Clark and Major spoke in favor and yielded to questions.

Reps. Almy, Vaillancourt and Kurk spoke against.

Reps. Sheila Francoeur and Robert Wheeler spoke in favor.

Rep. Sheila Francoeur requested a roll call; sufficiently seconded.

YEAS 204 NAYS 109

YEAS 204

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Pilliod, James	Rosen, Ralph
Russell, David	Thomas, John	Tobin, William	Wendelboe, Fran

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Dickinson, Howard
Knox, J David	Martin, James	Merrow, Harry	Olimpio, J Lisbeth
Patten, Betsey	Philbrick, Donald		

CHESHIRE

Allen, Peter	Dexter, Judson	Dunn, J Timothy	Eaton, Daniel
Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Pratt, John	Sawyer, Sheldon		

COOS

Buzzell, Bernard	King, Frederick	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric	Toll, John Jr	

GRAFTON

Cooney, Mary	Ingbreton, Paul	Maybeck, Margie	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Naro, Debra	Solomon, Peter
Sorg, Gregory	Williams, Burton		

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barody, Benjamin
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Buhlman, David
Calawa, Leon Jr	Campbell, David	Carew, James	Carter, Mark
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Craig, James	Crane, Elenore Casey	Daniuk, Caitlin	Desmarais, Vivian

DeVries, Betsi
 Elliott, Nancy
 Gibson, John
 Hagan, Barbara
 Hirschmann, Keith
 L'Heureux, Robert
 Messier, Irene
 Ober, Lynne
 Reeves, Sandra
 Rowe, Robert
 Smith, David
 Wheeler, James

Dokmo, Cynthia
 Emerton, Larry
 Golding, William
 Hansen, Ryan
 Infantine, William
 Lasky, Bette
 Mooney, Maureen
 Pepino, Leo
 Renzullo, Andrew
 Ryder, Donald
 Stepnek, Stephen
 Wheeler, Robert

Drisko, Richard
 Foster, Linda
 Goyette, Peter Jr
 Hawkins, Ken
 Irwin, Anne-Marie
 Lawrence, James
 O'Brien, William
 Pilotte, Maurice
 Rosenwald, Cindy
 Schulze, Joan
 Sullivan, Peter

Dyer, Donald
 Gargas, Carolyn
 Graham, John
 Hinkle, Peyton
 Kopka, Angeline
 Mead, Robert
 O'Connell, Timothy
 Price, Pamela
 Ross, Lawrence
 Slocum, Lee
 Ulery, Jordan

MERRIMACK

Anderson, Eric
 DeJoie, John
 Kennedy, Richard
 Lockwood, Priscilla
 Reardon, Tara

Bouchard, Candace
 DeStefano, Stephen
 Kidder, David
 Marple, Richard
 Soltani, Tony

Brueggemann, Donald
 Foose, Robert
 Klose, John
 Maxfield, Roy
 Walz, Mary Beth

Danforth, James
 Hess, David
 Langlais, Thomas
 McMahon, Patricia

ROCKINGHAM

Abbott, Dennis
 Buxton, Donald
 Carson, Sharon
 Dowd, John
 Forsing, Robert
 Griffin, Mary
 Introne, Robert
 Katsakiores, Phyllis
 Major, Norman
 Nowe, Ronald
 Rausch, James
 Sanders, Elisabeth
 Waterhouse, Kevin
 Winchell, George

Allen, Mary
 Cady, Harriet
 Charron, Gene
 Dumaine, Dudley
 Francoeur, Sheila
 Headd, James
 Itse, Daniel
 Kobel, Rudolph
 Mason, April
 O'Neil, Michael
 Robertson, Carl
 Scamman, Stella
 Weare, E Albert
 Zolla, William

Belanger, Ronald
 Cali-Pitts, Jacqueline
 Coburn, James
 Flanders, John Sr
 Garrity, James
 Hopfgarten, Paul
 Johnson, Robert
 Langley, Jane
 McKinney, Betsy
 Quandt, Marshall Lee
 Robinson, John
 Stiles, Nancy
 Welch, David

Bettencourt, David
 Camm, Kevin
 Dalrymple, Janeen
 Flockhart, Eileen
 Gillick, Thomas
 Ingram, Russell
 Katsakiores, George
 Lund, Howie
 McMahon, Charles
 Quandt, Matthew
 Rolston, James
 Stone, Joseph
 Weyler, Kenneth

STRAFFORD

Berube, Roger
 Creteau, Irene
 Keans, Sandra
 Twombly, James

Brown, Julie
 Dunlap, Patricia
 Newton, Clifford

Cataldo, Sam
 Easson, Timothy
 Rollo, Michael

Chaplin, Duncan
 Hofemann, Roland
 Taylor, Kathleen

SULLIVAN

Gale, Harry

Phinizy, James

Rodeschin, Beverly

NAYS 109

BELKNAP

Tilton, Franklin

Whalley, Michael

CARROLL

Buco, Thomas

CHESHIRE

Butcher, Suzanne
 Espiefs, Peter
 Robertson, Timothy

Butynski, William
 Mitchell, Bonnie
 Tilton, Anna

Chase, William
 Parkhurst, Henry

Coates, Christopher
 Richardson, Barbara

COOS

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
Nordgren, Sharon

Almy, Susan
Gionet, Edmond
Sokol, Hilda

Andersen, Gene
Hammond, Lee

Benn, Bernard
Harding, A Laurie

HILLSBOROUGH

Batula, Peter
Chase, Claudia
Essex, David
Haley, Robert
Holden, Randolph
Johnson, Paula
McRae, Karen
Shaw, Barbara
Villeneuve, Maurice

Beaulieu, Jane
Clemons, Jane
Ginsburg, Ruth
Hall, Betty
Jasper, Shawn
Kurk, Neal
Michon, Stephen
Sullivan, Francis

Brassard, Paul
Cote, David
Goley, Jeffrey
Harvey, Suzanne
Jean, Claudette
Martin, Mary Ellen
Movsesian, Lori
Vaillancourt, Steve

Brundige, Robert
Cote, Peter
Gorman, Mary
Hebert, Raymond
Jeudy, Jean
Matarazzo, Anthony Sr
Shattuck, Gilman
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
Oliver, James
Ryan, Jim
Whiting, Herbert

French, Barbara
Osborne, Jessie
Shurtleff, Stephen
Williams, Robert

Greco, Vincent
Potter, Frances
Tilton, Joy
Yeaton, Charles

Hamm, Christine
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Asselin, Michael
DiFruscia, Anthony
Moody, Marcia
Powers, James

Bishop, Franklin
Fesh, Bob
Morris, Richard
Priestley, Anne

Brown, C. Pennington
Gould, Kenneth
Norelli, Terie
Splaine, James

Cooney, Richard
Hughes, Daniel
Packard, Sherman
Wells, Roger

STRAFFORD

Bickford, David
Heon, Richard
Schmidt, Peter

Brown, Jennifer
Johnson, Nancy
Smith, Marjorie

Brown, Lawrence
Kaen, Naida
Spang, Judith

Grassie, Anne
Rous, Emma
Wall, Janet

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Osgood, Philip Sr

and the Committee of Conference report was adopted.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Vaillancourt requested that his protest be entered in the Permanent Journal.

In line with the New Hampshire Constitution, Part 2nd, Article 24, I file a protest against this vote which does not benefit average New Hampshire taxpayers, but comes about to benefit one industry which has resorted to threats of action to get it passed.

(Deputy Speaker Weyler in the Chair)

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1146, establishing a committee to study renewable portfolio standards. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1194, relative to job protection for firefighters, rescue workers, and emergency medical personnel. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1238-FN, relative to centralized voter registration database information. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1315, relative to the definition and classification of dams. (Report printed SJ 05/24/06)
Reps. Cooney and Parkhurst spoke against.
Rep. Chandler spoke in favor and yielded to questions.
Committee of Conference report adopted.

HB 1331, relative to the New Hampshire Temporary Assistance to Needy Families (TANF) programs. (Report printed SJ 05/24/06)
Reps. Norelli, Donovan and Wallner spoke against.
Rep. Batula spoke in favor and yielded to questions.
Reps. Price and Kurk spoke in favor.
Rep. Weyler requested a roll call; sufficiently seconded.

YEAS 182 NAYS 121

YEAS 182

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Buco, Thomas	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	Merrow, Harry
Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			

COOS

King, Frederick	Morneau, Renney	Remick, William	Richardson, Herbert
Stohl, Eric	Theberge, Robert	Tholl, John Jr	

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Ingbretson, Paul	Maybeck, Margie
Mirski, Paul	Solomon, Peter	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Brassard, Paul	Brundige, Robert
Buhlman, David	Calawa, Leon Jr	Carew, James	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Dokmo, Cynthia	Drisko, Richard	Dyer, Donald
Elliott, Nancy	Emerton, Larry	Gibson, John	Golding, William
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Hawkins, Ken
Hinkle, Peyton	Holden, Randolph	Infantine, William	Irwin, Anne-Marie
Jasper, Shawn	Kurk, Neal	L'Heureux, Robert	Lawrence, James
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela

Reeves, Sandra
Rowe, Robert
Stepanek, Stephen
Wheeler, James

Renzullo, Andrew
Ryder, Donald
Ulery, Jordan
Wheeler, Robert

Rosenwald, Cindy
Slocum, Lee
Vaillancourt, Steve

Ross, Lawrence
Smith, David
Velez, Hector

MERRIMACK

Anderson, Eric
Hess, David
Langlais, Thomas
Whiting, Herbert

Currier, David
Kennedy, Richard
Lockwood, Priscilla

Danforth, James
Kidder, David
Marple, Richard

Greco, Vincent
Klose, John
Soltani, Tony

ROCKINGHAM

Asselin, Michael
Cady, Harriet
Coburn, James
Dumaine, Dudley
Francoeur, Sheila
Griffin, Mary
Ingram, Russell
Katsakiores, George
Mason, April
Nowe, Ronald
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Belanger, Ronald
Camm, Kevin
Dalrymple, Janeen
Fesh, Bob
Garrity, James
Headd, James
Introne, Robert
Katsakiores, Phyllis
McKinney, Betsy
O'Neil, Michael
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Winchell, George

Bettencourt, David
Carson, Sharon
DiFruscia, Anthony
Flanders, John Sr
Gilbert, Karl
Hopfgarten, Paul
Itse, Daniel
Kobel, Rudolph
McMahon, Charles
Packard, Sherman
Rausch, James
Stiles, Nancy
Welch, David
Zolla, William

Buxton, Donald
Charron, Gene
Dowd, John
Forsing, Robert
Gillick, Thomas
Hughes, Daniel
Johnson, Robert
Major, Norman
Morris, Richard
Priestley, Anne
Rolston, James
Stone, Joseph
Wells, Roger

STRAFFORD

Bickford, David
Newton, Clifford

Cataldo, Sam
Twombly, James

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Gale, Harry

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 121

BELKNAP

None

CARROLL

None

CHESHIRE

Allen, Peter
Coates, Christopher
Foote, Sheila
Richardson, Barbara

Butcher, Suzanne
Dunn, J Timothy
Mitchell, Bonnie
Robertson, Timothy

Butynski, William
Eaton, Daniel
Parkhurst, Henry
Tilton, Anna

Chase, William
Espieffs, Peter
Pratt, John

COOS

Buzzell, Bernard

GRAFTON

Aguiar, James
Bleyler, Ruth
McLeod, Martha
Sokol, Hilda

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Naro, Debra

Benn, Bernard
Harding, A Laurie
Nordgren, Sharon

HILLSBOROUGH

Baroody, Benjamin
Cote, David
Foster, Linda
Gorman, Mary

Beaulieu, Jane
Craig, James
Gargas, Carolyn
Haley, Robert

Chase, Claudia
DeVries, Betsi
Ginsburg, Ruth
Harvey, Suzanne

Clemons, Jane
Essex, David
Goley, Jeffrey
Jeudy, Jean

Kopka, Angeline
Matarazzo, Anthony Sr
Schulze, Joan
Sullivan, Francis

Lasky, Bette
Michon, Stephen
Shattuck, Gilman
Sullivan, Peter

Lefebvre, Roland
Movsesian, Lori
Shaw, Barbara
Villeneuve, Maurice

Martin, Mary Ellen
Pilotte, Maurice
Souza, Kathleen

MERRIMACK

Blanchard, Elizabeth
Foose, Robert
Osborne, Jessie
Ryan, Jim
Walz, Mary Beth

Bouchard, Candace
French, Barbara
Potter, Frances
Shurtleff, Stephen
Williams, Robert

DeJoie, John
Hamm, Christine
Reardon, Tara
Tupper, Frank
Yeaton, Charles

DeStefano, Stephen
McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Cali-Pitts, Jacqueline
Langley, Jane
Robertson, Carl

Allen, Mary
Cooney, Richard
Moody, Marcia
Robinson, John

Bishop, Franklin
Flockhart, Eileen
Norelli, Terie
Splaine, James

Brown, C. Pennington
Gould, Kenneth
Powers, James

STRAFFORD

Berube, Roger
Creteau, Irene
Hofemann, Roland
Rous, Emma
Taylor, Kathleen

Brown, Jennifer
Dunlap, Patricia
Kaen, Naida
Schmidt, Peter
Wall, Janet

Brown, Julie
Grassie, Anne
Keans, Sandra
Smith, Marjorie

Brown, Lawrence
Heon, Richard
Rollo, Michael
Spang, Judith

SULLIVAN

Cloutier, John
Franklin, Peter
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte

Donovan, Thomas
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

and the Committee of Conference report was adopted.

HB 1332, establishing a commission to study health care in New Hampshire correctional facilities. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1343, relative to the duties of the council on resources and development. (Report printed SJ 05/24/06)

Rep. Keans spoke against and yielded to questions.

Rep. Chandler spoke in favor.

On a division vote, 175 members having voted in the affirmative and 111 in the negative, the Committee of Conference report was adopted.

Reps. Bergeron and Soltani declared a conflict of interest and did not participate.

HB 1373, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1407-FN-A, relative to funding exotic aquatic weeds eradication and control. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1426, granting a right-of-way over state-owned land. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1429, relative to municipal exemptions for hazardous waste cleanup liability. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. (Report printed SJ 05/24/06)

Committee of Conference report adopted.

HB 1463-FN, relative to boating and water safety. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1491, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1508, relative to acceptance of applications by planning boards. (Report printed SJ 05/24/06)
Rep. Patten yielded to questions.
On a division vote, 222 members having voted in the affirmative, and 54 in the negative, the Committee of Conference report was adopted.

HB 1574, relative to membership on the public employees deferred compensation commission. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1590-FN, relative to the pari-mutuel commission. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting. (Report printed SJ 05/24/06)
Reps. Hawkins and Zolla spoke against.
Reps. Soltani and Solomon spoke in favor.

LAIID ON THE TABLE

Rep. Mirski moved that **HB 1603-FN**, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting, be laid on the table.
On a division vote, 209 members having voted in the affirmative and 54 in the negative, the motion was adopted.

PROTEST

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Solomon requested that his protest on House Bill 1603 be entered in the Permanent Journal.
I protest the vote on House Bill 1603.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1692, establishing the New Hampshire sexual predators act. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1697-FN, relative to certain state salaries. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1710-FN-A, relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1720-FN, relative to notice of parent liability in CHINS proceedings. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1724-FN, relative to compensation and benefits for reserve and national guard members who are state employees. (Report printed SJ 05/24/06)
Committee of Conference report adopted.
Rep. Coughlin declared a conflict of interest and did not participate.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1752, requiring notice regarding the classifications of employee and independent contractor. (Report printed SJ 05/24/06)

Reps. Gorman and Mirski spoke against.

Reps. Infantine and Soltani spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. Mirski moved that **HB 1752**, requiring notice regarding the classifications of employee and independent contractor, be laid on the table.

Rep. DeJoie requested a roll call; sufficiently seconded.

YEAS 177 NAYS 109

YEAS 177

BELKNAP

Allen, Janet	Boyce, Laurie	Nedeau, Stephen	Pilliod, James
Rosen, Ralph			

CARROLL

Buco, Thomas	Dickinson, Howard	Knox, J David	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Sawyer, Sheldon	Tilton, Anna		

COOS

Buzzell, Bernard	Morneau, Renney	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Gionet, Edmond	Hammond, Lee
Harding, A Laurie	Ingbretson, Paul	Maybeck, Margie	McLeod, Martha
Mirski, Paul	Mulholland, Catherine	Naro, Debra	Nordgren, Sharon
Sokol, Hilda			

HILLSBOROUGH

Balboni, Michael	Baroody, Benjamin	Batula, Peter	Beaulieu, Jane
Brassard, Paul	Buhlman, David	Calawa, Leon Jr	Chase, Claudia
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Clemons, Jane
Craig, James	Desmarais, Vivian	DeVries, Betsi	Elliott, Nancy
Emerton, Larry	Essex, David	Foster, Linda	Gibson, John
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Graham, John
Hagan, Barbara	Harvey, Suzanne	Hinkle, Peyton	Holden, Randolph
Judy, Jean	Kopka, Angeline	Lasky, Bette	Lefebvre, Roland
Martin, Mary Ellen	McRae, Karen	Messier, Irene	Movsesian, Lori
Pilotte, Maurice	Renzullo, Andrew	Rosenwald, Cindy	Schulze, Joan
Shattuck, Gilman	Shaw, Barbara	Smith, David	Stepanek, Stephen
Sullivan, Francis	Sullivan, Peter	Vaillancourt, Steve	Velez, Hector
Villeneuve, Maurice	Wheeler, James		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	DeJoie, John	DeStefano, Stephen
Foose, Robert	French, Barbara	Greco, Vincent	Hager, Elizabeth
Hamm, Christine	Kennedy, Richard	Klose, John	Lockwood, Priscilla

McMahon, Patricia
Rush, Deanna
Wallner, Mary Jane

Osborne, Jessie
Ryan, Jim
Waltz, Mary Beth

Potter, Frances
Shurtleff, Stephen
Williams, Robert

Reardon, Tara
Tupper, Frank
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Brown, C. Pennington
DiFruscia, Anthony
Gould, Kenneth
Johnson, Robert
Morris, Richard
Priestley, Anne
Robinson, John
Zolla, William

Asselin, Michael
Cady, Harriet
Flanders, John Sr
Hughes, Daniel
Katsakiores, George
Norelli, Terie
Quandt, Marshall Lee
Splaine, James

Belanger, Ronald
Cali-Pitts, Jacqueline
Flockhart, Eileen
Ingram, Russell
Langley, Jane
Nowe, Ronald
Quandt, Matthew
Welch, David

Bishop, Franklin
Cooney, Richard
Gilbert, Karl
Introne, Robert
Moody, Marcia
Powers, James
Robertson, Carl
Wells, Roger

STRAFFORD

Berube, Roger
Creteau, Irene
Hofemann, Roland
Rollo, Michael
Taylor, Kathleen

Brown, Jennifer
Easson, Timothy
Kaen, Naida
Schmidt, Peter
Twombly, James

Brown, Julie
Grassie, Anne
Keans, Sandra
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Heon, Richard
Newton, Clifford
Spang, Judith

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte

Converse, Larry
Jillette, Arthur Jr

Donovan, Thomas
Phinizy, James

Franklin, Peter
Prichard, Stephen

NAYS 109

BELKNAP

Clark, Charles
Russell, David
Wendelboe, Fran

Fitzgerald, James
Thomas, John
Whalley, Michael

Flanders, Donald
Tilton, Franklin

Millham, Alida
Tobin, William

CARROLL

Babson, David Jr
Patten, Betsey

Brown, Carolyn
Philbrick, Donald

Chandler, Gene
Stevens, Stanley

Martin, James

CHESHIRE

Emerson, Susan

Foote, Sheila

Hogancamp, Deborah

Hunt, John

COOS

King, Frederick
Tholl, John Jr

Remick, William

Richardson, Herbert

Stohl, Eric

GRAFTON

Eaton, Stephanie

Solomon, Peter

Sorg, Gregory

Williams, Burton

HILLSBOROUGH

Allan, Nelson
Coughlin, Pamela
Gargas, Carolyn
Infantine, William
Matarazzo, Anthony Sr
O'Brien, William
Ross, Lawrence
Souza, Kathleen

Bergeron, Jean-Guy
Crane, Elenore Casey
Golding, William
Jasper, Shawn
Mead, Robert
O'Connell, Timothy
Rowe, Robert
Ulery, Jordan

Brundige, Robert
Drisko, Richard
Hawkins, Ken
Kurk, Neal
Mooney, Maureen
Ober, Lynne
Ryder, Donald
Wheeler, Robert

Carew, James
Dyer, Donald
Hirschmann, Keith
L'Heureux, Robert
Moran, Edward
Price, Pamela
Slocum, Lee

MERRIMACK

Anderson, Eric
Langlais, Thomas

Currier, David
Soltani, Tony

Danforth, James
Whiting, Herbert

Kidder, David

ROCKINGHAM

Allen, Mary	Bettencourt, David	Buxton, Donald	Camm, Kevin
Carson, Sharon	Charron, Gene	Coburn, James	Dowd, John
Dumaine, Dudley	Fesh, Bob	Francoeur, Sheila	Garrity, James
Gillick, Thomas	Griffin, Mary	Headd, James	Hopfgarten, Paul
Itse, Daniel	Katsakiores, Phyllis	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	O'Neil, Michael	Packard, Sherman
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Weyler, Kenneth	Winchell, George		

STRAFFORD

Bickford, David	Chaplin, Duncan	Dunlap, Patricia
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SULLIVAN

Ferland, Brenda	Gale, Harry	Osgood, Philip Sr	Rodeschin, Beverly
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and the motion was adopted.
Rep. Solomon voted Nay and intended to vote Yea.

COMMITTEE OF CONFERENCE REPORTS ON HOUSE BILLS (CONT'D.)

HB 1758, classifying biodiesel as a renewable energy source. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1761, relative to hold over tenants in vacation or recreational rental units. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

HB 1767-FN-A, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor. (Report printed SJ 05/24/06)
Committee of Conference report adopted.

SUSPENSION OF RULES

Reps. Craig and DeJoie moved that House Rules be so far suspended as to permit introduction and consideration beyond the deadlines of a resolution urging Congress to waive the penalty assessment for seniors who failed to sign up for Medicare Part D by the deadline, without the required referral to committee, printing, proper hearing and report from committee and, if passed, to permit immediate third reading and final passage.

Rep. Craig spoke in favor.

Rep. O'Neil spoke against.

Rep. O'Neil requested a roll call; sufficiently seconded.

YEAS 157 NAYS 127**YEAS 157****BELKNAP**

Nedeau, Stephen	Pilliod, James	Russell, David	Tobin, William
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CARROLL

Buco, Thomas	Dickinson, Howard
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Coates, Christopher
Dexter, Judson	Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter
Mitchell, Bonnie	Parkhurst, Henry	Richardson, Barbara	Robertson, Timothy
Tilton, Anna			

COOS

Buzzell, Bernard	Morneau, Renney	Richardson, Herbert	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Hammond, Lee	Harding, A Laurie
McLeod, Martha	Mirski, Paul	Mulholland, Catherine	Naro, Debra
Nordgren, Sharon	Sokol, Hilda	Solomon, Peter	Williams, Burton

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Brassard, Paul	Chase, Claudia
Craig, James	Crane, Elenore Casey	Desmarais, Vivian	DeVries, Betsi
Drisko, Richard	Essex, David	Foster, Linda	Gargas, Carolyn
Gibson, John	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Harvey, Suzanne	Hinkle, Peyton	Holden, Randolph	Judy, Jean
Kopka, Angeline	Lasky, Bette	Lefebvre, Roland	Martin, Mary Ellen
Matarazzo, Anthony Sr	Messier, Irene	Mooney, Maureen	Movsesian, Lori
Ober, Lynne	Pilotte, Maurice	Renzullo, Andrew	Rosenwald, Cindy
Ross, Lawrence	Schulze, Joan	Shattuck, Gilman	Shaw, Barbara
Souza, Kathleen	Sullivan, Francis	Sullivan, Peter	Veletz, Hector

MERRIMACK

Anderson, Eric	Blanchard, Elizabeth	Bouchard, Candace	DeJoi, John
DeStefano, Stephen	Foose, Robert	French, Barbara	Greco, Vincent
Hamm, Christine	Kennedy, Richard	Lockwood, Priscilla	McMahon, Patricia
Osborne, Jessie	Potter, Frances	Reardon, Tara	Rush, Deanna
Ryan, Jim	Shurtleff, Stephen	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Asselin, Michael	Belanger, Ronald	Bishop, Franklin
Brown, C. Pennington	Cali-Pitts, Jacqueline	DiFruscia, Anthony	Fesh, Bob
Flanders, John Sr	Flockhart, Eileen	Garrity, James	Ingram, Russell
Johnson, Robert	Langley, Jane	Moody, Marcia	Morris, Richard
Norelli, Terie	Nowe, Ronald	Packard, Sherman	Powers, James
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Robertson, Carl
Robinson, John	Splaine, James	Welch, David	Wells, Roger
Winchell, George	Zolla, William		

STRAFFORD

Brown, Jennifer	Brown, Julie	Brown, Lawrence	Creteau, Irene
Dunlap, Patricia	Grassie, Anne	Heon, Richard	Hofemann, Roland
Kaen, Naida	Keans, Sandra	Rollo, Michael	Schmidt, Peter
Smith, Marjorie	Spang, Judith	Taylor, Kathleen	Wall, Janet

SULLIVAN

Cloutier, John	Converse, Larry	Donovan, Thomas	Ferland, Brenda
Franklin, Peter	Houde-Quimby, Charlotte	Phinzy, James	Prichard, Stephen

NAYS 127**BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Millham, Alida	Rosen, Ralph	Thomas, John
Tilton, Franklin	Wendelboe, Fran	Whalley, Michael	

CARROLL

Babson, David Jr	Brown, Carolyn	Chandler, Gene	Knox, J David
Martin, James	Olimpio, J Lisbeth	Patten, Betsey	Philbrick, Donald
Stevens, Stanley			

CHESHIRE

Emerson, Susan	Foote, Sheila	Hogancamp, Deborah	Hunt, John
Sawyer, Sheldon			

COOS

King, Frederick	Remick, William	Stohl, Eric	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Gionet, Edmond	Ingbertson, Paul	Maybeck, Margie
Sorg, Gregory			

HILLSBOROUGH

Allan, Nelson	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Brundige, Robert	Buhlman, David	Calawa, Leon Jr	Carew, James
Christensen, D L Chris	Christiansen, Lars	Clark, Mark	Coughlin, Pamela
Dyer, Donald	Elliott, Nancy	Emerton, Larry	Golding, William
Graham, John	Hagan, Barbara	Hawkins, Ken	Hirschmann, Keith
Infantine, William	Jasper, Shawn	Kurk, Neal	L'Heureux, Robert
McRae, Karen	Mead, Robert	Moran, Edward	O'Brien, William
O'Connell, Timothy	Price, Pamela	Rowe, Robert	Ryder, Donald
Slocum, Lee	Smith, David	Stepanek, Stephen	Ulery, Jordan
Vaillancourt, Steve	Villeneuve, Maurice	Wheeler, James	Wheeler, Robert

MERRIMACK

Currier, David	Danforth, James	Hager, Elizabeth	Kidder, David
Klose, John	Langlais, Thomas	Soltani, Tony	

ROCKINGHAM

Allen, Mary	Bettencourt, David	Buxton, Donald	Cady, Harriet
Camm, Kevin	Carson, Sharon	Charron, Gene	Coburn, James
Cooney, Richard	Dowd, John	Dumaine, Dudley	Francoeur, Sheila
Gilbert, Karl	Gillick, Thomas	Gould, Kenneth	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Introne, Robert
Itse, Daniel	Katsakiores, George	Katsakiores, Phyllis	Major, Norman
Mason, April	McKinney, Betsy	McMahon, Charles	O'Neil, Michael
Rausch, James	Rolston, James	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin	Weare, E Albert
Weyler, Kenneth			

STRAFFORD

Bickford, David	Chaplin, Duncan	Easson, Timothy	Newton, Clifford
Twombly, James			

SULLIVAN

Gale, Harry	Jillette, Arthur Jr	Osgood, Philip Sr	Rodeschin, Beverly
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and the motion failed lacking the necessary two-thirds.

SENATE MESSAGE**ADOPTION OF COMMITTEE OF CONFERENCE REPORTS**

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.

SB 250, relative to lead paint poisoning prevention.

SB 287-FN, making certain changes to the eminent domain statute and establishing a committee to study eminent domain issues.

SB 336, relative to security deposits in landlord tenant matters.

SB 352-FN, relative to the regulation of real estate appraisers.

SB 358-FN, relative to a nurse's duty to warn of violent acts of patients.

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board.

SB 371-FN, relative to the continuation of certain wetlands fees.

SB 374-FN, relative to the state children's health insurance program.

SB 388, relative to farm composting and pesticides.

SB 403, relative to verification of identity when a person registers or attempts to vote.

ADJOURNMENT FROM THE EARLY SESSION

Rep. O'Neil moved that the House now adjourn from the early session, that the business of the late session be in order at the present time and when the House adjourns today it be to meet Wednesday, June 28, 2006 at 10:00 a.m.

LATE SESSION

UNANIMOUS CONSENT

Reps. Graham, Sheila Francoeur, Richard Cooney, and Lawrence Brown addressed the House.

Rep. Weyler moved that the remarks of Rep. John A. Graham be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Graham: Thank you, Mr. Speaker. Thank you, my colleagues. It is late and I will be even briefer than I had planned on, but, "freedom is not free." These words adorn the Korean Memorial in Washington, DC and over the last three centuries hundreds of thousands of our citizens have given of themselves in order to ensure that we can meet in places such as this. It is, therefore, entirely fitting that this true citizen's legislature take a few moments at the conclusion of its work to ponder the meaning of this coming weekend. I'm speaking about Memorial Day and its significance. Memorial Day is not just the start of summer. It's not just the day to sell clothes or furniture or cars. It is the day for us to reflect on the truism of the statement that "freedom is not free." I would like to ask each of you in this hall and all of you who are listening to join me this weekend in your local community to participate in a Memorial Day ceremony of some type. If you're not having one, please join me next Wednesday, May 30th, at the Boscawen cemetery at 11:00 a.m. and we will remember those who have gone forward. But in remembering, I would like us to pay special respects to our own citizens who have fallen in the ongoing global war on terrorism. PFC Nicholas Cournoyer, USA, of Gilmanton; Lance Cpl. Robert Mosillo, USMC, of Salem; PFC George Roehl, Jr., USA, Manchester; PFC Matthew Bertolino, USMC, Hampstead; CPO Dan Healy, USN, of Exeter; Cpl. Timothy Gibson, USMC, of Merrimack; Lance Corporal Adam Brooks, USMC, of Manchester; Specialist Alan Burgess, Army National Guard, of Landaff; Specialist Jeremy Regnier, USA, of Littleton; MSG Richard Ferguson, USA, of Conway; SGT Randy Rosenberg, USA, of Berlin; SFC Robert Rooney, Army National Guard, of Nashua; SGT William Tracy, Jr., USA, of Webster and SGT Angelo Lozada, Jr., USA, of Nashua.

If I have either mispronounced or missed a name, I sincerely apologize.

And while we are all standing, I would like to ask that we take a moment of reverence in silence to honor their devotion to duty and to our country.

Thank you, Mr. Speaker.

Rep. Mirski moved that the remarks of Rep. Sheila T. Francoeur and Richard T. Cooney be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Sheila Francoeur: Thank you, Mr. Speaker. Honorable members of the House. Yes, those rumors that you have heard are true. I am not running again. And I thank you all who have come up to me and asked, "Are those rumors really true?" It was not an easy decision to make because being a part of this legislative body has been an honor for me, as well as an education. But, for me, ten years is enough.

I still remember the first Organization Day, walking over from Storrs, coming up the path to the State House, looking up at the dome glittering in the sunlight, and wondering, "What the heck have I gotten myself into?" How quickly I found out.

It was a privilege for me to be here under Speaker Sytek, who for me will always be the epitome of style and grace and leadership as she presided over this House. She assigned me to the Commerce Committee, my first choice. You know, they say that you can always remember your first Chairman. And I can tell you, I will always remember the honorable member from Rindge. During orientation I tell new members how important committee work is. That is where you develop the skills, learn the process, compromise and hopefully, create good legislation. I served as Clerk and Vice Chair on Commerce and during that time I learned a great deal from my Chairman. He was a good mentor and I thank him for that.

Next, I was privileged to serve on the leadership team of Speaker Chandler as Majority Whip and I learned how to count votes. Whenever I have been at NCSL or any function that legislators from other states are at, they never failed to ask me, "How can you count the votes in a body as large as this?" My response was always, "Very carefully." I would always tell Speaker Chandler, "Don't worry, we have the votes." His reply was, "What are the numbers?" I learned to count very carefully.

My two years as Majority Whip, followed by two years as Speaker Pro Tem, allowed me to work with many committees and I got to know many of you. I hope that I had the opportunity to help you with your issues. But I always kept my seat on Commerce.

So, Mr. Speaker, when you asked me to chair the Commerce Committee, I was surprised, but I was honored and I thank you for giving me that opportunity.

When I first ran for this House, I was a little concerned because I did not have a cause or a passion. Nothing for any particular issue. I thought all politicians had to have a cause or an issue. I watched the honorable member from Weare and wished I had his passion for privacy issues. I share his concern, but not his passion. But after all this time, I finally realized that I do have a passion and it's for the process. Now, that's not as exciting as getting up here and giving a "Give me liberty, or give me death" speech. But without the process, I can tell you we will not have the liberty. Process involves many facets, knowing the rules, following tradition, debating the issues, disagreeing but being respectful. It doesn't make any difference whether we have an "R" or a "D" after our names. We are all here for the same purpose. To represent the citizens of New Hampshire and we should be ever mindful of the process that allows us to do that.

When I finally take the legislative plate off my car, I will be left with many memories of the wonderful friends I have met here, and how much I enjoyed knowing and working with you all. I will be forever grateful to my constituents for allowing me to represent them here for these five terms. It has been an honor and a privilege and I thank you.

REMARKS

Rep. Richard Cooney: That's hard to follow but this is my first and last time to use Unanimous Consent because I, too, am not running for re-election. It's time for me to move on to other things. It's been my honor and privilege to serve the people of my district and the people of New Hampshire for the last ten years. I have learned a lot here. One of the things I learned is it's a tough job to be a representative and you work hard. And I want to thank you for what you do. I will appreciate it in the future. I want to leave you with these words, "Like the old grandfather clock, old politicians never die, they just don't run anymore." Thank you, Mr. Speaker.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess for the purpose of receiving enrolled bill amendments, enrolled bill reports, Senate messages and veto messages from the Governor.
Adopted.

The House recessed at 7:50 p.m.

RECESS

(Rep. Gionet in the Chair)

ENROLLED BILL AMENDMENTS

SB 251, relative to the enforcement authority of the division of safety services. (Amendment printed SJ 5/24 /06)

Adopted.

SB 295-FN, relative to registration of business entities. (Amendment printed SJ 5/24 /06)

Adopted.

SB 325, making technical corrections and other changes to motor vehicle laws. (Amendment printed SJ 5/24 /06)

Adopted.

SB 386, relative to large groundwater withdrawals. (Amendment printed SJ 5/11/06)

Adopted.

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 716, 1458, 1461, 1477, 1526, 1546, 1585, 1660, 1687 and 1763, and Senate Bills numbered 178 and 282.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. Daniel Eaton in the Chair)

ENROLLED BILL AMENDMENT

HB 298, relative to consolidating statutes relating to driving while intoxicated.

Amendment (2372-EBA)

Amend RSA 265-A:24, II as inserted by section I of the bill by replacing line 2 with the following: system, or who refuses to take a test to determine his or her alcohol concentration, shall be placed Amend RSA 21-P:14, IV(j)-(k) as inserted by section 5 of the bill by replacing them with the following:

(j) Suspension or revocation of a driver's license or driving privilege, as authorized by RSA [263:53-66] **263:53 through RSA 263:65, [and] RSA 263:73, RSA 265-A:26, and RSA 265-A:29.**

(k) Appeals of driver's license denial, suspension, or revocation, as authorized by RSA 263:75, **RSA 265-A:34, and RSA 263:76.**

Amend section 18 of the bill by replacing line 1 with the following:

18 References Changed. Amend RSA 262:23, III to read as follows:

Adopted.

HB 1146, establishing a commission to study certain energy and environmental issues.

Amendment (2383-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a state energy policy commission.

Adopted.

HB 1243-FN, reducing certain fines for motor vehicle violations.

Amendment (2230-EBA)

Amend the bill by replacing all after section 29 with the following:

30 Penalties for Aggravated Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, I(b)(2) to read as follows:

(2) Fined not less than ~~[\$750]~~ **\$500**;

31 Penalties for Subsequent Intoxication or Under the Influence of Drugs Offenses. Amend RSA 265-A:18, IV(a)(2) to read as follows:

(2) The person shall be fined not less than ~~[\$750]~~ **\$500.**

32 Transporting Alcoholic Beverages. Amend RSA 265-A:44, IV to read as follows:

IV. A person who violates this section shall be guilty of a violation ~~[and shall be subject to a fine of \$150]~~. In addition, a person who violates paragraph II of this section may have his or her drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

33 Contingency. If HB 298 of the 2006 legislative session becomes law, sections 20, 21, and 22 of this act shall not take effect and sections 30, 31, and 32 of this act shall take effect one day after the passage of the state operating budget for the biennium ending June 30, 2009. If HB 298 does not become law, sections 30, 31, and 32 of this act shall not take effect and sections 20, 21, and 22 of this act shall take effect one day after the passage of the state operation budget for the biennium ending June 30, 2009.

34 Effective Date.

I. Sections 20, 21, 22, 30, 31, and 32 of this act shall take effect as provided in section 33 of this act.

II. Section 33 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect one day after the passage of the state operating budget for the biennium ending June 30, 2009.

Adopted.

HB 1417-FN, establishing gold star number plates and relative to special number plates for veterans.

Amendment (2301-EBA)

Amend the bill by replacing all after section 2 with the following:

3 Special Number Plates for Veterans. Amend RSA 261:87-b to read as follows:

261:87-b Special Number Plates for Veterans.

I. The director is hereby authorized to issue special number plates to be used on motor vehicles owned by veterans of the United States armed services, in lieu of other number plates. The design of these special plates shall be determined by the commissioner, and shall be distinct from the design or designs of those plates issued under RSA 261:86. Such plates shall be issued only to veterans as defined in RSA 21:50, I(a) upon application, proof of veteran status in a form authorized by RSA 21:50, I(b), and payment of a one time \$25 fee to recover production and administrative costs that shall be in addition to the regular motor vehicle registration fee and any other number plate fees otherwise required. The director shall also issue such plates to any person providing proof of honorable discharge from the armed services of any nation allied with the United States during World War II and proof of such person's service during World War II. Renewals of such special number plates shall be charged the fee assessed for standard motor vehicles as prescribed under RSA 261:141. The plates furnished pursuant to this section are non-transferable and shall expire upon the death of the veteran.

II. For purposes of this section, a motor vehicle is owned by a veteran if the veteran is the motor vehicle's owner under RSA 259:72, I, or if the legal ownership of the motor vehicle is held by a trust established by the veteran and the veteran has use of the motor vehicle or the motor vehicle is used for the transportation of the veteran. The director shall establish the documentation required for a motor vehicle held in trust to be eligible for plates under this section. The director shall not issue more than one set of plates under this section to any trust. A trustee of the trust or the administrator of the estate may be fined up to \$500 for failing to return within 60 days of the death of the veteran any plates issued under this section for a motor vehicle held in trust.

4 Nullification. 2006, 53 (HB 1154-FN) shall not take effect.

5 Effective Date.

I. Section 3 of this act shall take effect January 1, 2007.

II. Section 4 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

Adopted.

HB 1464-FN-A-L, relative to mosquito control, establishing a mosquito control fund, making an appropriation therefor, and relative to a public health response to arbovirus.

Amendment (2379-EBA)

Amend subparagraph I(m) of section 6 of the bill by replacing line 1 with the following:

(m) Two private citizens, each a landowner, one of whom shall be nominated by

Adopted.

HB 1672-FN, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults, relative to certain background checks, and establishing a task force relative to central registries.

Amendment (2381-EBA)

Amend RSA 161-F:49, II(d) as inserted by section 2 of the bill by replacing line 2 with the following: court in accordance with paragraph V.

Amend RSA 161-F:49, II(e) as inserted by section 2 of the bill by replacing line 2 with the following: registry pursuant to RSA 161-F:49, IX.

Amend RSA 161-F:49, X as inserted by section 2 of the bill by replacing line 1 with the following:

X. The department shall, in the notice it sends out pursuant to RSA 161-F:49, II(a), notify

Adopted.

(Rep. Daniel Eaton in the Chair)

ENROLLED BILL AMENDMENTS

SB 394, establishing the Trust Modernization and Competitiveness Act. (Amendment printed SJ 5/11/06)

Adopted.

HB 690-FN, relative to aid to the needy blind to undue hardship for public assistance, and to eligibility for and recovery of public assistance.

Amendment (2256-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to aid to the needy blind, undue hardship for public assistance, and eligibility for and recovery of public assistance.

Adopted.

HB 1167-FN-A, relative to the department of transportation pilot program for effective investment of state highway mitigation funds and making an appropriation to the land and community heritage investment program.

Amendment (2328-EBA)

Amend section 4 of the bill by replacing line 2 with the following:

I. Sections 1 and 2 of this act shall take effect upon its passage.

Adopted.

HB 1335, relative to the authority of law enforcement officers during a state of emergency.

Amendment (2361-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the authority of law enforcement officers during a state of emergency.

Amend the bill by deleting sections 2 and 3 and renumbering the original section 4 to read as 2.

Adopted.

HB 1581, relative to drivers' licenses issued to persons under the age of 21.

Amendment (2295-EBA)

Amend RSA 263:40 as inserted by section 1 of the bill by replacing line 8 with the following:
of the applicant's date of birth, at which time the applicant shall be issued a traditional

Adopted.

HB 1626-FN-A, relative to appropriations for the expenses of certain departments of the state and establishing a quality early learning opportunity initiative and making an appropriation therefor.

Amendment (2391-EBA)

Amend section 17 of the bill by replacing line 5 with the following:

parents are unable to afford the cost of quality, licensed child care. Sections 17-19 of this act are
Amend the bill by replacing section 20 with the following:

20 Contingency. If SB 374 of the 2006 legislative session becomes law, RSA 126-A:5, XIV as inserted by section 18 of this act shall be renumbered as RSA 126-A:5, XV.

21 Effective Date.

I. Sections 17-19 of this act shall take effect July 1, 2006.

II. The remainder of this act shall take effect upon its passage.

Adopted.

HB 1696-FN, relative to the cremation of human remains.

Amendment (2377-EBA)

Amend RSA 325-A:7, I as inserted by section 2 of the bill by replacing line 1 with the following:

I. The application for an initial or renewal license as a crematory authority shall include a fee
Amend RSA 325-A:8, IV as inserted by section 2 of the bill by replacing lines 5-7 with the following:
adjudication, it may, with the approval of the attorney general, petition governor and council to receive funds not otherwise appropriated in order to retain professional advisors in the proceeding.

(c) If the governor and council approve the use of funds not otherwise appropriated, the Amend RSA 325-A:12, I(c) as inserted by section 2 of the bill by replacing line 1 with the following:

(c) Placement of the licensee on probation for a period not to exceed 2 years during which Amend RSA 325-A:29 as inserted by section 2 of the bill by replacing line 4 with the following: which contain more stringent requirements than those provided in this chapter.
Adopted.

HB 1741-FN, relative to reporting requirements concerning infections in hospitals.

Amendment (2330-EBA)

Amend RSA 151:33, I(b) as inserted by section 1 of the bill by replacing line 2 with the following: infected or was first diagnosed; and

Amend section 2 of the bill by replacing lines 2-3 with the following:

Amend RSA 151-G:1, II by inserting after subparagraph (c) the following new subparagraph:

(d) The state epidemiologist, department of health and human services
Adopted.

HB 1747-FN, establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.

Amendment (2249-EBA)

Amend section 4 of the bill by replacing lines 1 and 2 with the following:

4 Appropriation. The sum of \$175,000 is hereby appropriated for the fiscal year ending June 30, 2007 to the healthy tidal waters and shellfish protection fund established in RSA 487:37.
Adopted.

RECESS

(Speaker Scamman in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 298, 1146, 1243, 1373, 1417, 1426, 1626, 1672, 1710 and 1767, and Senate Bills numbered 200, 244, 245, 252, 262, 284, 323, and 391.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. Daniel Eaton in the Chair)

ENROLLED BILL AMENDMENTS

SB 140, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas. (Amendment printed SJ 5/24/06)
Adopted.

SB 250, relative to lead paint poisoning prevention. (Amendment printed SJ 5/24/06)
Adopted.

SB 287-FN, making certain changes to the eminent domain statute and establishing a committee to study eminent domain issues. (Amendment printed SJ 5/24/06)
Adopted.

SB 352-FN, relative to the regulation of real estate appraisers. (Amendment printed SJ 5/24/06)
Adopted.

SB 359-FN, relative to the regulation of plumbers and water treatment technicians by the plumbers' board. (Amendment printed SJ 5/24/06)
Adopted.

SB 388, relative to farm composting and pesticides. (Amendment printed SJ 5/24/06)
Adopted.

RECESS

(Speaker Scamman in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 349, 506, 582, 587, 678, 690, 1167, 1335, 1346, 1407, 1429, 1463, 1464, 1508, 1581, 1590, 1696, 1720, 1724, 1741, 1747 and 1758, and Senate Bills numbered 336, 358, 371, 374, and 403.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. Gale in the Chair)

ENROLLED BILL AMENDMENTS

HB 37-FN, relative to health insurance coverage for full-time students on medical leaves of absence.

Amendment (2394-EBA)

Amend RSA 415:18, V(b) as inserted by section 3 of the bill by replacing line 1 with the following:

(b) If the coverage for dependent children under paragraph IV includes

Amend RSA 415:18, V(b) as inserted by section 3 of the bill by replacing line 12 with the following:
date the insurance coverage under this subparagraph commences.

Adopted.

HB 76, relative to distribution of state aid to charter schools; relative to establishing the 21st century scholars program and making an appropriation therefor; and relative to funding charter schools.

Amendment (2397-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to distribution of state aid to charter schools and relative to funding for charter schools.

Amend section 2 of the bill by replacing line 1 with the following:

2 State Aid; Education Trust Fund. Amend the introductory paragraph of RSA 198:39, I to Adopted.

HB 1459-FN-A, making an appropriation to the department of regional community-technical colleges for tuition maintenance; authorizing the temporary use of the department of regional community-technical colleges nonlapsing account for tuition maintenance; and making a bonded capital appropriation to the department of regional community-technical colleges for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

Amendment (2395-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT making an appropriation to the department of regional community-technical colleges for tuition maintenance; authorizing the temporary use of the department of regional community-technical colleges' nonlapsing account for tuition maintenance; and authorizing the use of the department of regional community-technical colleges' nonlapsing account for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

Adopted.

RECESS

(Rep. Buxton in the Chair)

ENROLLED BILL AMENDMENTS

HB 1126, relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders and relative to licensing of money transmitters.

Amendment (2408-EBA)

Amend section 5 of the bill by replacing lines 1 and 2 with the following:

5 Licensing of Sales Finance Companies and Retail Sellers Required. Amend the introductory paragraph of RSA 361-A:2, II(a) and RSA 361-A:2, II(a)(1) to read as follows:

Amend RSA 399-G:1, V(d) as inserted by section 35 of the bill by replacing it with the following:

(d) In the case of an owner that is a limited liability company (LLC):

(1) Those members that have the right to receive upon dissolution, or have contributed, 25 percent or more of the LLC's capital; and

(2) If managed by elected managers, all elected managers; and

Adopted.

HB 1315, relative to the definition and classification of dams and relative to the acceptance of Jericho Lake dam and dike in Berlin.

Amendment (2390-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to the definition and classification of dams, the acceptance of Jericho Lake dam and dike in Berlin, the fish and game department's acquisition of property rights to Big Brook Bog dam in Pittsburg, and the study of potential sources of funding for the repair and maintenance of dams by the state.

Adopted.

HB 1343, relative to the duties of the council on resources and development, and making bonded appropriations to the department of environmental services and the New Hampshire veterans' home.

Amendment (2396-EBA)

Amend paragraph I of section 7 of the bill by replacing it with the following:

I. \$510,000 from the oil discharge and disposal cleanup fund established in RSA 146-D:3.

Adopted.

HB 1491, extending certain deadlines relating to the Great Bay Estuary Commission.

Amendment (2388-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT extending certain deadlines relative to the Great Bay Estuary Commission and the Estuary Alliance for Sewage Treatment, and establishing a commission to study the publicly owned treatment plant needs of New Hampshire and state laboratory water tests and fees.

Adopted.

HB 1574, relative to membership on the public employees deferred compensation commission and relative to criminal penalties for certain securities violations.

Amendment (2393-EBA)

Amend the bill by replacing all after section 2 with the following:

3 Contingency. If HB 716-FN of the 2006 legislative session becomes law, section 1 of this act shall not take effect.

4 Effective Date.

I. Section 1 of this act shall take effect as provided in section 3 of this act.

II. Section 2 of this act shall take effect 60 days after its passage.

III. The remainder of this act shall take effect upon its passage.

Adopted.

HB 1697-FN, relative to certain state salaries; establishing the position of director of homeland security and emergency management in the department of safety; authorizing the commissioner of safety to reorganize certain divisions, responsibilities, and activities of the department; relative to appeals of reclassification of positions; relative to a study of the unclassified salary schedule; and relative to the registration of apprentices by the board of barbering, cosmetology, and esthetics.

Amendment (2407-EBA)

Amend section 13 of the bill by replacing lines 5-6 with the following:

II Department of safety, director of emergency services, communications, and management

Amend section 14 of the bill by replacing lines 5-7 with the following:

management from the division of emergency services, communications, and management to the director of homeland security and emergency management, and transferring the bureau of emergency management from the division of emergency services, communications, and management Adopted.

HB 1744-FN-A, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value.

Amendment (2400-EBA)

Amend section 6 of the bill by replacing lines 1-2 with the following:

6 New Section; Rulemaking. Amend RSA 287-D by inserting after section 1-a the following new section:

Amend section 11 of the bill by replacing lines 1-2 with the following:

11 New Sections; Licensing of Game Operators. Amend RSA 287-D by inserting after section 2-b the following new sections:

Amend paragraph I(d) of section 16 of the bill by replacing it with the following:

(d) The executive director of the pari-mutuel commission, or the executive director's designee.

Adopted.

HB 1761, relative to hold over tenants in vacation or recreational rental units.

Amendment (2401-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT, relative to hold over tenants in vacation or recreational rental units and relative to lobbyist reporting requirements.

Amend section 1 of the bill by replacing line 5 with the following:

540-C:1 Covered Units. This chapter shall apply to all dwelling units which are:

Amend section 1 of the bill by replacing line 20 with the following:

540-C:4 Civil Penalty. Any person who directs a law enforcement officer to remove a tenant Adopted.

RECESS

(Rep. MacKay in the Chair)

ENROLLED BILL AMENDMENTS

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

Amendment (2403-EBA)

Amend RSA 153-A:20, II as inserted by section 3 of the bill by replacing it with the following:

II. Protocols approved and issued by the emergency medical services medical control board for provision of emergency medical care, which shall address living wills established under RSA ~~[137-H]~~ **137-J**, durable powers of attorney for health care established under RSA 137-J, and patient-requested, physician generated orders relative to resuscitation. Notwithstanding RSA 541-A:12, III, the department may incorporate by reference into such rules protocols pertaining solely to medical and pharmaceutical patient care processes issued by the emergency medical services board and approved by the commissioner.

Amend section 4 of the bill by replacing lines 1-2 with the following:

4 Guardians; Reference Change. Amend RSA 464-A:25, I(e) to read as follows:

(e) If a ward has previously executed a valid living will, under RSA ~~[137-H]~~ **137-J**, a

Amend section 5 of the bill by replacing line 1 with the following:

5 Jurisdiction; Reference Change. Amend RSA 547:3, I(j) to read as follows:

Adopted.

HB 1194, relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel, and relative to health insurance claim review and the qualifications and responsibilities of a medical director.

Amendment (2402-EBA)

Amend the title of the bill by replacing it with the following:

AN ACT relative to job protection for firefighters, rescue workers, and emergency medical personnel, and relative to health insurance claim review.

Amend RSA 415-A:4-b, V(a)(6)-(8) as inserted by section 3 of the bill by replacing them with the following:

~~(6) [If the claim denial is based on a medical necessity or experimental treatment or similar exclusion or limit, either an explanation of the scientific or clinical judgment for the denial, applying the terms of the plan to the claimant's medical circumstances, or a statement that such explanation will be provided free of charge upon request;~~

~~(7)]~~ The following statement: "You and your plan may have other voluntary alternative dispute resolution options, such as mediation. One way to find out what may be available is to contact your local U.S. Department of Labor Office and your state insurance regulatory agency;" and

~~[(8)]~~ (7) A statement describing the claimant's right to contact the insurance commissioner's office for assistance which shall include a toll-free telephone number and address of the commissioner.

Adopted.

HB 1238-FN, relative to centralized voter registration database information and relative to interference with campaign communications.

Amendment (2387-EBA)

Amend the bill by replacing section 3 with the following:

3 Right to Know Exemption; Public Information; Mailing Address. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, street address, *mailing address*, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, citizenship and domicile affidavits, and application for absentee ballot shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, citizenship and domicile affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any citizenship or domicile affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, citizenship and domicile affidavits, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

Adopted.

HB 1331, relative to the New Hampshire Temporary assistance to Needy Families (TANF) program and making an appropriation therefor.

Amendment (2406-EBA)

Amend section 5 of the bill by replacing lines 1 and 2 with the following:

5 Definition of Specialized Services Replaced with Definition of Interim Activities. RSA 167:78, XXII is repealed and reenacted to read as follows:

Amend RSA 167:82, II, (i)-(j) as inserted by section 8 of the bill by replacing them with the following:

(i) A person with significant employment-related barriers, as determined by the department by rules adopted pursuant to RSA 541-A, that prevent the person from accepting immediate employment.

(j) Any other person as determined by the department by rules adopted pursuant to RSA 541-A as necessary to promote the purpose and goals of this subdivision.

Amend RSA 167:85, V as inserted by section 14 of the bill by replacing line 1 with the following:

V. A person temporarily exempted under RSA 167:82, II may participate in the employment Amend RSA 167:91, I as inserted by section 16 of the bill by replacing it with the following:

I.(a) Each participant less than 20 years of age, who is not enrolled in school and who does not have a general education diploma (GED) or a high school diploma (HSD) shall:

(1) Actively pursue an education designed to prepare such person to qualify for a high school equivalency diploma; or

(2) Enroll in school to pursue a high school diploma.

(b) Each participant required to pursue an education under subparagraph I(a) and who is unable to obtain a GED or HSD in a specified period of time may participate in activities intended to enhance basic literacy and work skills.

(c) A participant shall be permitted to volunteer to participate under paragraphs I and II as funding and resources permit.

Amend section 19 of the bill by replacing line 6 with the following:

adopted under RSA 167.

Adopted.

HB 1474-FN, relative to unemployment compensation contribution rates and benefits and establishing a commission to investigate the feasibility of merging the department of employment security into the department of labor.

Amendment (2404-EBA)

Amend section 6 of the bill by replacing lines 1-2 with the following:

6 Chairperson. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first Amend the bill by replacing all after section 8 with the following:

9 Minimum Rate. Amend RSA 282-A:2, II to read as follows:

II. The minimum contribution rate under this section shall be not less than ~~[-9+]~~ .10 percent. 10 Nullification; 2006, 130:10. The provisions of 2006, 130:10 shall not take effect.

11 Effective Date.

I. Section 1 of this act shall take effect July 1, 2007.

II. Section 2 of this act shall take effect July 1, 2006.

III. Section 9 of this act shall take effect January 1, 2007.

IV. The remainder of this act shall take effect upon its passage.

Adopted.

RECESS

(Rep. Boyce in the Chair)

ENROLLED BILL AMENDMENT

HB 1692-FN, establishing the New Hampshire sexual predators act.

Amendment (2409-EBA)

Amend RSA 651-B:1, V(a) as inserted by section 2 of the bill by replacing line 2 with the following: the offense, RSA 632-A:2, RSA 632-A:3, RSA 633:1, RSA 633:2, RSA 633:3, RSA 639:2, or RSA 645:2; or

Amend RSA 651-B:1, VIII as inserted by section 4 of the bill by replacing line 1 with the following:

VIII. Notwithstanding RSA 21:6-a, "residence" means a place where a person

Amend RSA 651-B:3, II as inserted by section 6 of the bill by replacing line 12 with the following: system. This paragraph shall not apply to a sexual offender or offender against children who has moved to New Hampshire and has registered with a local law enforcement agency.

Amend RSA 651-B:4, I(a)(3) as inserted by section 7 of the bill by replacing line 5 with the following:

vehicle make, model, color, and license tag number. A post office box shall not be provided in

Amend the bill by replacing section 9 with the following:

9 Registration of Criminal Offenders; Duration of Registration. Amend RSA 651-B:6, III to read as follows:

III. Notwithstanding the provisions of paragraph II, any sexual offender or offender against children who is required to register as a result of *a violation* of more than one offense listed in RSA 651-B:1, III or RSA 651-B:1, V, or who is sentenced to an extended term of imprisonment pursuant to RSA 651:6, I(b) shall be registered for life.

Amend RSA 651-B:7, II(a)(1)-(4) as inserted by section 11 of the bill by replacing them with the following:

(1) *RSA 632-A:2, I(j).*

(2) *RSA 632-A:2, I(k).*

~~[(1)](3) [Repealed.]~~

~~[(2)](4) [Repealed.]~~

Amend RSA 651-B:7, IV(c) as inserted by section 11 of the bill by replacing line 3 with the following: *by the agency pursuant to subparagraph IV(a) is residing in the community.*

Amend RSA 651-B:9, II as inserted by section 12 of the bill by replacing line 5 with the following: *for an additional 10 years from the date of conviction for violating this paragraph. The*

Amend RSA 651-B:9, VII(a) as inserted by section 12 of the bill by replacing line 2 with the following:

about the offender's noncompliance with the requirements of this chapter, and, if known,

Amend RSA 651-B:11, II as inserted by section 13 of the bill by replacing lines 3-6 with the following:

commissioner. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules adopted under RSA 541-A. At the hearing the offender shall have the burden to prove that the offender cannot afford to pay the fee because the offender is indigent. After hearing, the decision of the commissioner shall be final, and the offender shall have a right to appeal

Amend RSA 632-A:10-a, V(c) as inserted by section 16 of the bill by replacing line 1 with the following:

(c) Prior to granting any petition pursuant to subparagraph V(b), the court shall provide

Amend the bill by replacing section 18 with the following:

18 Sentences; Extended Term of Imprisonment. RSA 651:6, I(k)-(l) is repealed and reenacted to read as follows:

(k) Has committed or attempted to commit negligent homicide as defined in RSA 630:3, I against a person under 13 years of age who was in the care of, or under the supervision of, the defendant at the time of the offense;

(l) Has committed or attempted to commit any of the crimes defined in RSA 637 or RSA 638 against a victim who is 65 years of age or older or who has a physical or mental disability and that in perpetrating the crime, the defendant intended to take advantage of the victim's age or a physical or mental condition that impaired the victim's ability to manage his or her property or financial resources or to protect his or her rights or interests;

(m) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, I(l) or RSA 632-A:2, II where the defendant was 18 years of age or older at the time of the offense;

(n) Has committed or attempted to commit aggravated felonious sexual assault in violation of RSA 632-A:2, III, and one or more of the acts comprising the pattern of sexual assault was an offense under RSA 632-A:2, I(l) or RSA 632-A:2, II, or both, and the defendant was 18 years of age or older when the pattern of sexual assault began;

(o) Has purposely, knowingly, or recklessly with extreme indifference to the value of human life committed an act or acts constituting first degree assault as defined in RSA 631:1 against a person under 13 years of age where the serious bodily injury has resulted in brain damage or physical disability to the child that is likely to be permanent; or

(p) Has committed murder as defined in RSA 630:1-b against a person under 13 years of age.

Amend RSA 651:6, IV as inserted by section 20 of the bill by replacing line 1 with the following:

IV. If authorized by subparagraphs I(m), (n), or (o) and if notice of the possible application of Amend RSA 651:6, IV(c) as inserted by section 20 of the bill by replacing line 1 with the following:

(c) Any decision by the superior court under subparagraph (a) may be reviewed by the

Amend RSA 651:6, V as inserted by section 20 of the bill by replacing line 1 with the following:

V. If authorized by subparagraph I(p) and if notice of the possible application of this section Amend section 21 of the bill by replacing lines 2-3 with the following:
inserting after chapter 135-D the following new chapter:

CHAPTER 135-E

INVOLUNTARY CIVIL COMMITMENT OF

Amend RSA 135-E:11, I as inserted by section 21 of the bill by replacing line 6 with the following: previous trial, unless the subsequent proceeding is continued in accordance with RSA 135-E:9, III. Amend RSA 135-E:13 as inserted by section 21 of the bill by replacing lines 3-8 with the following: commit acts of sexual violence if discharged, the commissioner or his or her designee shall notify the court and the court shall hold a hearing. The petition shall be served upon the court and the county attorney or attorney general. The court, upon receipt of such notice, shall schedule a hearing within 60 days, unless continued for good cause.

II. The county attorney or attorney general shall represent the state, and has the right to have the person examined by professionals of the county attorney's or attorney general's choice. The Amend RSA 135-E:17 as inserted by section 21 of the bill by replacing line 3 with the following: the county attorney or attorney general and the county attorney's or attorney general's employees; and Amend RSA 135-E:18 as inserted by section 21 of the bill by replacing lines 2-3 with the following: or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and to this end the

Amend RSA 169-B:19, III-a(f) as inserted by section 24 of the bill by replacing line 4 with the following:

provided, the court retains jurisdiction over the case.

Amend the bill by replacing section 29 with the following:

29 Effective Date.

I. Sections 26, 27, and 29 of this act shall take effect upon its passage.

II. Section 2, RSA 651-B:3, II as inserted by section 6, RSA 651-B:7, II(a) as inserted by section 11, section 18, and RSA 651:6, IV-V as inserted by section 20 of this act shall take effect January 1, 2007, at 12:01 a.m.

III. The remainder of this act shall take effect January 1, 2007.
Adopted.

RECESS

(Speaker Scamman in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 37, 76, 656, 1126, 1194, 1238, 1315, 1331, 1343, 1459, 1474, 1491, 1574, 1697, 1744 and 1761 and Senate Bills numbered 140, 250, 251, 287, 295, 325, 352, 359, 386 and 394.

Rep. Currier, Sen. D'Allesandro for the Committee

RECESS

(Rep. Gionet in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill number 1692 and Senate Bill number 388.

Rep. Currier, Sen. Clegg for the Committee

RECESS

(Speaker Scamman in the Chair)

Rep. O'Neil moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Wednesday, June 28, 2006

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

His Excellency, Governor John H. Lynch, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by House Chaplain, Reverend Jared Rardin, Pastor of the South Congregational Church in Concord.

God of infinite patience, mercy and wisdom whose heart is always open and whose vision never relents. Still for just a moment our busy thoughts and our rushing lives that underneath the din of technological advances and pressing speech, we may again listen for Your still, small voice which has spoke from the beginning of time and speaks still.

Make of us superb listeners today, O God. Teach us to listen for what is true and not merely what sounds pleasing; what is just and not merely convenient; what is grand and not simply petty. Teach us to listen to our colleagues with fresh patience and intention. Tune our hearing to the dictates of Your heart and the desires of Your mind. In our listening during this session and during our lives, let there be enough Holy silence and sufficient pause that every now and then our breath would be taken away by the sound of You.

We give You thanks, on this day in particular, for one another's presence and participation during this long, warm session, whether in times of agreement or discord. We give You thanks for the commitment of time and energy of all who serve this House of Representatives and in particular Speaker Scamman, whose service to this legislative body comes to a close after today. We also give thanks for those representatives who will not be returning next session. We recognize and give thanks for the privilege we have of living in a state and a nation where freedom is honored, responsibility encouraged and where the open exchange of differing ideas makes us stronger, not weaker. Finally, we offer You this day our prayers for those whose personal presence with us today is not possible because of illness or hospitalization: Robert Chabot, Bruce Hunter, Ed Putnam and Clair Snyder, and all those in our hearts we have not yet named out loud but whose names we repeat within our spirits. May the heat and humidity of today prompt clarity and brevity, and may we return safely at the end of the day to our homes and our families in Your name. Amen.

Rep. Sheila T. Francoeur, member from Hampton, led the Pledge of Allegiance.

The National Anthem was sung by Diane E. Cammarata, a student from Fall Mountain Regional High School.

LEAVES OF ABSENCE

Reps. Bridle, Chabot, Hebert, Hofemann, Hunter, Oliver, Putnam, Robinson, Snyder and Whiting, the day, illness.

Reps. Chandler, Claire Clarke, Coates, Converse, DeJoie, Domingo, Donahue, Egbers, Foose, Golding, Goley, Gould, Hollinger, Newton, Pelkey, Prichard, Serlin, Shattuck and Tholl, the day, important business.

Reps. Dalrymple and Moore, the day, illness in the family.

INTRODUCTION OF GUESTS

Nicki Stoodley, Major John Cenney and Master Sergeant Craig Carmody, United States Army, and Rusty Chesnik, mother and friends of the singer, guests of the House.

Robert and Matthew Houde, sons of Rep. Houde-Quimby. Bob Ferreira, guest of Rep. Nelson Allan. Brad Galinson, guest of Rep. Rowe. Carol Packwood, guest of Rep. Butcher. Deborah Wheeler, guest of Rep. Joy Tilton. Sharon Beals and Jeremy Watts, grandchildren of Rep. Welch. Leo and Wendy Lefebvre, brother and sister-in-law of Rep. Lefebvre. Deborah Fielding, guest of Reps. Ferland and Phinizz. Honorable Frank Davis and Sally Kelly, guests of Reps. Rush and Greco. Tara Sad and Lucy Weber, guests of Reps. Pratt and Daniel Eaton. Ismael Riquelme, guest of Rep. Velez. David Pierce, guest of Rep. Sokol. Kathryn Coughlin, daughter of Rep. Coughlin.

Elizabeth Cubberly, a student from Fall Mountain Regional High School, Page for the Day.

INTRODUCTION OF SPECIAL GUESTS

David Emanuel, Kirk, Bruce, Kyle, David and Christopher Scamman, nephew, sons and grandsons of the Speaker and Rep. Stella Scamman.

Nigel Aquí and Christian DeMeillac (Trinidad/Tobago), Brendan Lee (St. Lucia), Camille Gooding (Barbados), and Kedra Phillips (Grenada), members of the 2006 Rotary International Exchange Team, guests of the House. Members of the Belarus Delegation participating in the Partners for Peace-New Hampshire 2006 Program, sponsored by the University of New Hampshire, New Hampshire National Guard and United States Department of Defense, guests of the House.

COMMUNICATION

June 5, 2006

W. Douglas Scamman

Speaker of the House

Dear Mr. Speaker:

Since I have moved to Hebron, New Hampshire, I am unable to continue to represent Rockingham County District 7. Please consider this letter my resignation from the House.

I do plan to run for re-election in Grafton County District 7 in November 2006.

Sincerely,

Michael B. Asselin

Rockingham County, District 7

COMMUNICATION

June 14, 2006

W. Douglas Scamman

Speaker of the House

Dear Mr. Speaker:

Due to a recent move, I must resign my seat in the New Hampshire House of Representatives. Unfortunately, I have moved out of District 23, Ward 4 in Nashua. It was a great honor to serve the constituents of that Ward. Hopefully, I will get the honor of returning to the House in my current District.

Sincerely,

Eric P. Rochette,

Hillsborough County, District 23

These resignations were accepted, with regret.

HOUSE RESOLUTION NO 26

Memorializing State Representative Lee G. Slocum of Amherst

WHEREAS we have learned with great sorrow of the death of our friend and colleague Lee G. Slocum of Amherst, who was in his second term as a member of the House of Representatives serving the citizens of Hillsborough County District 6, the towns of Amherst and Milford; and WHEREAS, Lee G. Slocum served with diligence and distinction during one term as a member of the Labor Committee and two terms on the Science, Technology and Energy Committee, earning the deep respect of his colleagues for the passion of his convictions and his careful and organized thought processes which enabled him to offer innovative ideas and alternative solutions to problems; and, WHEREAS, Lee G. Slocum served his community in a myriad of ways, including six years of service on the Souhegan Cooperative School Board and as a Scoutmaster and committee chairman of Troop 613 of Amherst, Boy Scouts of America; and WHEREAS, Lee G. Slocum was a man of diversified interests, including motorcycling and jogging, who enjoyed fishing with his grandson and the easy company of friends and family; and WHEREAS, Lee G. Slocum was a man who related well to people and often used his dry sense of humor to make a point or support his position, a consummate gentleman, a man of conscience and commitment who held himself to high ethical standards, often remarking that he must always speak the truth to his colleagues; now, therefore, be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that Lee G. Slocum be granted the highest praise and accolades for his dedicated service to his community and his state; and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family and that a suitable copy of this Resolution be prepared for presentation to them.

Offered by the House of Representatives.

Unanimously endorsed by a rising moment of silent prayer.

Rep. Mirski addressed the House.

Rep. O'Neil moved that the remarks of Rep. Mirski be printed in the Permanent Journal.

Adopted.

MEMORIAL REMARKS

Rep. Mirski: Thank you, Mr. Speaker and Honorable members of the House. It's really an honor to have a chance to share some thoughts about Lee with you. I was sitting in the Congregational Church in Mount Vernon, in the back, and I hadn't intended to say anything. There was a beautiful service for Lee. But I couldn't help myself. So I did, when there was an opportunity, just get up, and I wanted to let his family know how much he loved this institution and what the institution felt about him. I was just asked to share a couple of those thoughts with you this morning. When I read the report of his death in the paper, what jumped out at me was something I didn't know about Lee which was that he was an Eagle Scout. Now, that wouldn't surprise anybody here I guess. The tragedy was that he was killed on his way home from an Eagle Scout ceremony in his own town where they were obviously honoring some young boys who achieved that distinction in the Scout troop. That in itself says an awful lot about Lee. While he was from Pennsylvania, his wife told me that New Hampshire was really the place that he loved. Now, we have our characteristics of our state. I guess everyone thinks of our love of liberty, our interest in efficient government, low taxes, little government, and of course, a huge penchant for volunteerism. These were actually, if you listened to the Memorial Resolution, these were aspects that were very much a part of Lee's personality. So, when he moved here he fit right in because it was his interest to enhance personal freedom, make government efficient, and encourage public service. I think that most of us first got to know him through letters to the editor. I remember when we were looking for people to serve in the House, I guess that was about six years ago, his name was suggested. That's how I came to know him, mostly through letters to the local papers. I was surprised when I met him that he wasn't a lot taller, because he was so forceful and so dedicated to the things he believed in. Here we know him probably most through his interest in school reform and while people who want school reform are often characterized as being anti-union, that wasn't Lee at all. The reason he wanted school reform was because he believed strongly that schools ought to promote individual self-worth and individual potential. Anything that stood in the way of that for a child was an anathema. It was the enemy of Lee Slocum. So, if you had a system that was preventing a child from advancing somehow and developing their own personal abilities, you were going to find a very forceful enemy in our honorable friend.

Looking through legislation that was passed over several years, you will find his fingerprints all over anything having to do with school reform - choice, vouchers, charter schools, name it, he was everywhere.

We also knew that he had a background in physics and software development and he served on the House Science, Technology and Energy Committee. He was also a very active participant on a listserve which the Republican Alliance has, and like most lists there was often a lot of conversation about bills and what the substance is, and all that sort of thing. I was relating to the folks at the church, you know you say the word "Reggie" (Regional Greenhouse and Gas Issue), and everybody wanted to head for the doors. Well, we would ask Lee to intervene on our behalf and tell us something about what these issues were. He was a guy who could make the incomprehensible comprehensible. We found him an unbelievable resource in helping to frame our own arguments on issues that were of importance to us. The representative from Rochester posted on our list a little debate going on in this room having to do with mercury reduction. This, of course, is a very serious business for a lot of people here, but Lee thought that the standards had become so severe that it made eating fish absurd. In his remarks to the House, he encouraged us all to eat fish because it was good for us.

Volunteerism, this is one of the things I learned at the church that morning. Two folks stood up and they gave a couple of little vignettes. One woman, who I think had some medical difficulty and was spending a lot of time at the hospital, discovered that Lee volunteered to mow their lawn.

So he drove a half hour to the house, got his machine out and went at it. She said that because he was such a perfectionist, he mowed the lawn at half speed to make sure it was going to be perfect. And the other one, this is the one that really gets me, because I play a musical instrument. Once upon a time I was asked to play for a daycare center as a part of a group, and I got the worst case of stage fright I've ever had. It was kind of a bizarre experience. This little story kind of appealed to me. It turns out that Lee loved to sing in the choir and he was a tenor. As the choir master said, "The tenor sings 'up here'." One Christmas they didn't have a bassist to sing in the "Messiah." So, Lee decided that he could do it. And she said, "My God, he did a credible job, he did a very good job!" I couldn't imagine that! But volunteerism, stepping up to the plate, was something we all admired in him.

Finally, for my own personal point of view, given his love of liberty, his commitment to public service and volunteerism, I was thinking, you know we would all have been proud to have Lee represent us in Philadelphia 230 years ago this month at the preparation of the signing of the Declaration of Independence. New Hampshire would have been very proud to have him serve eleven years later when the Constitution was written. He was that kind of a man and that's how I will remember him. Thank you.

(Rep. Craig in the Chair)

GOVERNOR'S VETO MESSAGE ON HB 345

May 5, 2006

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, on May 5, 2006, I vetoed House Bill 345, an act requiring photo identification to obtain a ballot.

The right to vote is a fundamental right and is the bedrock of our democracy. Our responsibility as elected officials is to protect every citizen's constitutional right to vote and to ensure that any proposed changes to our voting system do not create unnecessary barriers to voting. We should be encouraging people to vote, not discouraging them.

New Hampshire has a long and proud tradition of conducting well-run and clean elections. On April 5, 2006, the Department of Justice issued a report on its investigation of alleged voter fraud during the November 2004 general election. That investigation was completed by trained investigators and state officials with expertise in election law from the Attorney General's Office and the Secretary of State's Office. The report concluded: "The results of our investigation reflect that there are very few instances of wrongful voting in New Hampshire, the overwhelming majority of which involve people who had a right to vote somewhere in New Hampshire. New Hampshire's local election officials are the front line of defense against voter fraud and our investigations support the conclusion that most local officials do an excellent job."

This report affirms that New Hampshire's elections are well run and already have the necessary safeguards in place to prevent wrongful voting.

Part I, Article 11 of the New Hampshire Constitution guarantees that all qualified voters have an equal right to vote in any election. I am concerned that House Bill 345 will prohibit eligible voters from receiving a ballot on election day and place significant burdens on election officials, resulting in delays for all voters.

In the absence of any evidence of a voter fraud problem in New Hampshire, where New Hampshire law already provides adequate safeguards to protect the integrity of elections, and given that House Bill 345 will create new and unnecessary barriers impinging on the right to vote, I am vetoing this bill.

Respectfully submitted,

John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 345**, requiring photo identification to obtain a ballot, become law?

Reps. Kennedy, Crane, Sorg, and Brassard spoke in favor.

Rep. Splaine spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 204 NAYS 140**YEAS 204****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Millham, Alida	Nedeau, Stephen
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Dickinson, Howard
Knox, J David	Martin, James	McConkey, Mark	Morrow, Harry
Patten, Betsey	Philbrick, Donald	Stevens, Stanley	

CHESHIRE

Dexter, Judson	Emerson, Susan	Foot, Sheila	Hogancamp, Deborah
Hunt, John	Roberts, Kris	Sawyer, Sheldon	

COOS

King, Frederick	Lary, Bruce	Morneau, Renney	Remick, William
Richardson, Herbert	Stohl, Eric		

GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbertson, Paul
Maybeck, Margie	Mirski, Paul	Naro, Debra	Sorg, Gregory
Williams, Burton			

HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Balboni, Michael	Barry, J Gail
Batula, Peter	Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael
Boehm, Ralph	Brassard, Paul	Brundige, Robert	Calawa, Leon Jr
Carew, James	Carlson, Donald	Carter, Mark	Christensen, D L Chris
Christiansen, Lars	Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey
Desmarais, Vivian	Drisko, Richard	Dyer, Donald	Elliott, Nancy
Emerton, Larry	Francoeur, Bea	Gargas, Carolyn	Gibson, John
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Holden, Randolph	Infantine, William	Jasper, Shawn
Kurk, Neal	L'Heureux, Robert	Lawrence, James	Lessard, Rudy
Manney, Pamela	Martin, Mary Ellen	McRae, Karen	Mead, Robert
Mooney, Maureen	Moran, Edward	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Reeves, Sandra
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Smith, David	Stepanek, Stephen	Tahir, Saghir	Ulery, Jordan
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Currier, David	Danforth, James	Field, William
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
L'Heureux, Stephen	Langlais, Thomas	Lockwood, Priscilla	MacKay, James
Marple, Richard	Maxfield, Roy	Reed, Dennis	Soltani, Tony

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Buxton, Donald	Cady, Harriet	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	DiFruscia, Anthony
Dowd, John	Dumaine, Dudley	Fesh, Bob	Flanders, John Sr

Forsing, Robert
 Gillick, Thomas
 Hughes, Daniel
 Itse, Daniel
 Kobel, Rudolph
 McKinney, Betsy
 O'Neil, Michael
 Quandt, Marshall Lee
 Sanders, Elisabeth
 Stone, Joseph
 Weldy, Norman
 Winchell, George

Francoeur, Sheila
 Griffin, Mary
 Hutchinson, Karen
 Johnson, Robert
 Lund, Howie
 McMahon, Charles
 Packard, Sherman
 Quandt, Matthew
 Scamman, Stella
 Waterhouse, Kevin
 Wells, Roger
 Zolla, William

Garrity, James
 Headd, James
 Ingram, Russell
 Katsakiores, George
 Major, Norman
 Morris, Richard
 Palazzo, Frank
 Rausch, James
 Scamman, W Douglas
 Weare, E Albert
 Weyler, Kenneth

Gilbert, Karl
 Hopfgarten, Paul
 Introne, Robert
 Katsakiores, Phyllis
 Mason, April
 Nowe, Ronald
 Priestley, Anne
 Rolston, James
 Stiles, Nancy
 Welch, David
 Wiley, Robert

STRAFFORD

Albert, Russell
 Chaplin, Duncan

Brown, Julie
 Dunlap, Patricia

Campbell, W Packy
 Easson, Timothy

Cataldo, Sam
 Twombly, James

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 140

BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
 Dunn, J Timothy
 Parkhurst, Henry
 Robertson, Timothy

Butcher, Suzanne
 Eaton, Daniel
 Plifka, Stanley Jr
 Tilton, Anna

Butynski, William
 Espiefs, Peter
 Pratt, John
 Weed, Charles

Chase, William
 Mitchell, Bonnie
 Richardson, Barbara

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
 Bleyler, Ruth
 McLeod, Martha
 Solomon, Peter

Almy, Susan
 Cooney, Mary
 Mulholland, Catherine

Andersen, Gene
 Hammond, Lee
 Nordgren, Sharon

Benn, Bernard
 Harding, A Laurie
 Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
 Chase, Claudia
 Daniuk, Caitlin
 Foster, Linda
 Haley, Robert
 Jean, Claudette
 Lefebvre, Roland
 Pappas, Christopher
 Shaw, Barbara
 Vaillancourt, Steve

Beaulieu, Jane
 Clemons, Jane
 DeVries, Betsi
 Garrity, Patrick
 Hall, Betty
 Johnson, Paula
 Matarazzo, Anthony Jr
 Pilotte, Maurice
 Shaw, Kimberly
 Velez, Hector

Buhlman, David
 Cote, David
 Dokmo, Cynthia
 Ginsburg, Ruth
 Harvey, Suzanne
 Kopka, Angeline
 Messier, Irene
 Rosenwald, Cindy
 Sullivan, Francis

Campbell, David
 Cote, Peter
 Essex, David
 Gorman, Mary
 Irwin, Anne-Marie
 Lasky, Bette
 Movsesian, Lori
 Schulze, Joan
 Sullivan, Peter

MERRIMACK

Blanchard, Elizabeth
 French, Barbara

Bouchard, Candace
 Gile, Mary

Brueggemann, Donald
 Greco, Vincent

DeStefano, Stephen
 Hager, Elizabeth

Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Owen, Derek
Ryan, Jim
Wallner, Mary Jane

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Norelli, Terie
Splaine, James

Blanchard, MaryAnn
Flockhart, Eileen
Pantelakos, Laura

Brown, C. Pennington
Langley, Jane
Powers, James

Cali-Pitts, Jacqueline
Moody, Marcia
Robertson, Carl

STRAFFORD

Berube, Roger
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Katherine

SULLIVAN

Cloutier, John
Gale, Harry

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinify, James

and the veto was sustained, lacking the necessary two-thirds.

(Speaker Scamman in the Chair)

GOVERNOR'S VETO MESSAGE ON HB 1566

May 23, 2006

To the Honorable Members of the General Court:

By the authority vested in me as Governor of New Hampshire, pursuant to Part II, Article 44 of the Constitution of New Hampshire, on May 23, 2006, I vetoed HB 1566, an act relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.

We need to encourage all New Hampshire citizens to vote and to participate fully in our democracy. We also need to ensure that our election laws do not unfairly burden those voters that have recently established a domicile in New Hampshire and are qualified to vote in this state.

I cannot support HB 1566 because this bill would make it more difficult for our younger voters and our newest residents to exercise their constitutional right to vote. Whether intended or not by its sponsor, HB 1566 would prohibit otherwise qualified citizens from registering to vote on election day in New Hampshire if they had registered a motor vehicle in another state, or possessed a driver's license issued by another state. I cannot support a bill that will disenfranchise New Hampshire voters through amendments to motor vehicle registration laws. This bill is also likely to create confusion and new difficulties for senior voters who own second homes in other states and may maintain motor vehicles in other states.

Our election laws clearly establish that voters must be domiciled in New Hampshire in order to vote in this state, and that all New Hampshire residents must comply with motor vehicle registration and licensing requirements. This bill is unnecessary, and I will continue to ensure that any changes to our election laws do not operate to place undue barriers on any citizen's constitutional right to vote.

Respectfully submitted,

John H. Lynch, Governor

The question being, notwithstanding the Governor's veto, shall **HB 1566**, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements, become law?

Reps. O'Neil and Mirski spoke in favor.

Rep. Clemons spoke against.

Pursuant to the New Hampshire Constitution, Part II, Article 44, a roll call, requiring a two-thirds vote of the House for approval, was taken.

YEAS 197 NAYS 141**YEAS 197****BELKNAP**

Allen, Janet
Flanders, Donald
Rosen, Ralph
Tobin, William

Boyce, Laurie
Heald, Bruce
Russell, David
Veazey, John

Clark, Charles
Millham, Alida
Thomas, John
Wendelboe, Fran

Fitzgerald, James
Nedeau, Stephen
Tilton, Franklin
Whalley, Michael

CARROLL

Ahlgren, Christopher
Knox, J David
Patten, Betsey

Babson, David Jr
Martin, James
Philbrick, Donald

Brown, Carolyn
McConkey, Mark
Stevens, Stanley

Dickinson, Howard
Morrow, Harry

CHESHIRE

Dexter, Judson
Hunt, John

Emerson, Susan
Sawyer, Sheldon

Foote, Sheila

Hogancamp, Deborah

COOS

King, Frederick
Richardson, Herbert

Lary, Bruce
Stohl, Eric

Morneau, Renney

Remick, William

GRAFTON

Eaton, Stephanie
Maybeck, Margie
Williams, Burton

Gionet, Edmond
Mirski, Paul

Ham, Bonnie
Naro, Debra

Ingbreton, Paul
Sorg, Gregory

HILLSBOROUGH

Adams, Jarvis IV
Batula, Peter
Boehm, Ralph
Carew, James
Christiansen, Lars
Desmarais, Vivian
Elliott, Nancy
Gibson, John
Hagan, Barbara
Hinkle, Peyton
Kurk, Neal
Manney, Pamela
Mooney, Maureen
Price, Pamela
Rowe, Robert
Tahir, Saghir
Wheeler, Robert

Allan, Nelson
Bergeron, Jean-Guy
Brundige, Robert
Carlson, Donald
Clark, Mark
Dokmo, Cynthia
Emerton, Larry
Gonzalez, Carlos
Hansen, Ryan
Hirschmann, Keith
L'Heureux, Robert
McRae, Karen
Moran, Edward
Reeves, Sandra
Ryder, Donald
Ulery, Jordan

Balboni, Michael
Bergin, Peter
Buhlman, David
Carter, Mark
Coughlin, Pamela
Drisko, Richard
Francoeur, Bea
Goyette, Peter Jr
Hawkins, Ken
Infantine, William
Lawrence, James
Mead, Robert
O'Brien, William
Renzullo, Andrew
Scanlon, Michael
Villeneuve, Maurice

Barry, J Gail
Biundo, Michael
Calawa, Leon Jr
Christensen, D L Chris
Crane, Elenore Casey
Dyer, Donald
Gargas, Carolyn
Graham, John
Hellwig, Steve
Jasper, Shawn
Lessard, Rudy
Messier, Irene
Ober, Lynne
Ross, Lawrence
Stepanek, Stephen
Wheeler, James

MERRIMACK

Anderson, Eric
Hager, Elizabeth
L'Heureux, Stephen
Maxfield, Roy

Currier, David
Kennedy, Richard
Lockwood, Priscilla
Reed, Dennis

Danforth, James
Kidder, David
MacKay, James

Field, William
Klose, John
Marple, Richard

ROCKINGHAM

Allen, Mary
Buxton, Donald
Charron, Gene
Dumaine, Dudley
Francoeur, Sheila

Belanger, Ronald
Cady, Harriet
Coburn, James
Fesh, Bob
Garity, James

Bettencourt, David
Camm, Kevin
DiFruscia, Anthony
Flanders, John Sr
Gilbert, Karl

Bishop, Franklin
Carson, Sharon
Dowd, John
Forsing, Robert
Gillick, Thomas

Griffin, Mary
Hutchinson, Karen
Johnson, Robert
Langley, Jane
McKinney, Betsy
O'Neil, Michael
Quandt, Marshall Lee
Sanders, Elisabeth
Waterhouse, Kevin
Weyler, Kenneth

Headd, James
Ingram, Russell
Katsakiores, George
Lund, Howie
McMahon, Charles
Packard, Sherman
Quandt, Matthew
Scamman, Stella
Weare, E Albert
Wiley, Robert

Hopfgarten, Paul
Introne, Robert
Katsakiores, Phyllis
Major, Norman
Morris, Richard
Palazzo, Frank
Rausch, James
Stiles, Nancy
Welch, David
Winchell, George

Hughes, Daniel
Itse, Daniel
Kobel, Rudolph
Mason, April
Nowe, Ronald
Priestley, Anne
Rolston, James
Stone, Joseph
Weldy, Norman
Zolla, William

STRAFFORD

Albert, Russell
Chaplin, Duncan

Brown, Julie
Dunlap, Patricia

Campbell, W Packy
Eason, Timothy

Cataldo, Sam
Twombly, James

SULLIVAN

Osgood, Philip Sr

Rodeschin, Beverly

NAYS 141 BELKNAP

Morrison, Gail

Pilliod, James

CARROLL

Buco, Thomas

Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dunn, J Timothy
Parkhurst, Henry
Roberts, Kris

Butcher, Suzanne
Eaton, Daniel
Plifka, Stanley Jr
Robertson, Timothy

Butynski, William
Espiefs, Peter
Pratt, John
Tilton, Anna

Chase, William
Mitchell, Bonnie
Richardson, Barbara
Weed, Charles

COOS

Buzzell, Bernard

Mears, Edgar

Merrick, Scott

Theberge, Robert

GRAFTON

Aguiar, James
Bleyler, Ruth
McLeod, Martha
Solomon, Peter

Almy, Susan
Cooney, Mary
Mulholland, Catherine

Andersen, Gene
Hammond, Lee
Nordgren, Sharon

Benn, Bernard
Harding, A Laurie
Sokol, Hilda

HILLSBOROUGH

Baroody, Benjamin
Chase, Claudia
Craig, James
Foster, Linda
Haley, Robert
Irwin, Anne-Marie
Lasky, Bette
Movsesian, Lori
Rosenwald, Cindy
Smith, David

Beaulieu, Jane
Clemons, Jane
Daniuk, Caitlin
Garrity, Patrick
Hall, Betty
Jean, Claudette
Lefebvre, Roland
O'Connell, Timothy
Schulze, Joan
Sullivan, Francis

Brassard, Paul
Cote, David
DeVries, Betsi
Ginsburg, Ruth
Harvey, Suzanne
Johnson, Paula
Martin, Mary Ellen
Pappas, Christopher
Shaw, Barbara
Sullivan, Peter

Campbell, David
Cote, Peter
Essex, David
Gorman, Mary
Holden, Randolph
Kopka, Angeline
Matarazzo, Anthony Sr
Pilotte, Maurice
Shaw, Kimberly
Velez, Hector

MERRIMACK

Blanchard, Elizabeth
French, Barbara
Osborne, Jessie
Rush, Deanna
Tupper, Frank
Yeaton, Charles

Bouchard, Candace
Gile, Mary
Owen, Derek
Ryan, Jim
Wallner, Mary Jane

Brueggemann, Donald
Hamm, Christine
Potter, Frances
Shurtleff, Stephen
Walz, Mary Beth

DeStefano, Stephen
McMahon, Patricia
Reardon, Tara
Tilton, Joy
Williams, Robert

ROCKINGHAM

Abbott, Dennis
Casey, Kimberley
Norelli, Terie
Splaine, James

Blanchard, MaryAnn
Cooney, Richard
Pantelakos, Laura

Brown, C. Pennington
Flockhart, Eileen
Powers, James

Cali-Pitts, Jacqueline
Moody, Marcia
Robertson, Carl

STRAFFORD

Berube, Roger
Creteau, Irene
Hilliard, Dana
Knowles, William
Schmidt, Peter
Taylor, Kathleen

Brown, Jennifer
Goodwin, Earle
Johnson, Nancy
Miller, Joseph
Smith, Marjorie
Wall, Janet

Brown, Lawrence
Grassie, Anne
Kaen, Naida
Rollo, Michael
Spang, Judith

Cilley, Jacalyn
Heon, Richard
Keans, Sandra
Rous, Emma
Taylor, Katherine

SULLIVAN

Cloutier, John
Gale, Harry

Donovan, Thomas
Houde-Quimby, Charlotte

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

and the veto was sustained, lacking the necessary two-thirds.

MOTION TO DISPOSE OF BILLS LAID ON THE TABLE

Reps. O'Neil and Craig moved that bills currently laid on the table be found Inexpedient to Legislate. **HB 646-FN-L**, relative to teachers who are not deemed highly qualified pursuant to the No Child Left Behind Act.

HB 1229-FN, prohibiting the use of false documentation for employment, government services, or permits.

HB 1603-FN, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting.

HB 1703-FN, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees.

HB 1726-FN, requiring the state to pay legal fees for certain supreme court justices.

HB 1752, requiring notice regarding the classifications of employee and independent contractor.

SB 22, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001.

SB 324, requiring notification concerning certain offenders against children.

SB 354-FN, requiring security officers of the New Hampshire hospital security force to be fully certified as police officers and including such security officers in group II of the New Hampshire retirement system.

Adopted.

PROPOSED AMENDMENT TO HOUSE RULES

The Rules Committee offered the following:

Amend House Rule 64 by adding:

Monday, September 18, 2006

Friday, October 6, 2006

Wednesday, November 1, 2006

Wednesday, November 15, 2006

Friday, December 8, 2006, 3:00 p.m.

Friday, January 19, 2007, 3:00 p.m.

First day for House incumbents running for re-election to file LSRs with complete information.

Last day prior to the General Election for House incumbents running for re-election to file LSRs with complete information.

Last day to file Interim Study reports.

First day for all Representatives-elect to file LSRs with complete information. 10-day sign off period begins.

Last day to file LSRs with complete information.

Last day to sign off on all House LSRs.

Reps. O'Neil and Craig moved adoption of the amendment to House Rule 64 and spoke in favor. Adopted by the necessary two-thirds.

SENATE MESSAGE

The Senate has voted to sustain the Governor's veto on the following bills:

SB 249, allowing a master electrician to have 2 apprentice electricians under his or her supervision and relative to examinations of electricians by the electricians' board.

SB 318-FN, relative to the use of deadly force to protect oneself.

ADJOURNMENT FROM THE EARLY SESSION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session and the business of the late session be in order at the present time.

Adopted.

UNANIMOUS CONSENT

Reps. Stone, Pepino, Mary Cooney, Naro, Wendelboe, Crane, Bergeron, Stephanie Eaton, Lawrence Brown, Bergin, Zolla, Itse, O'Neil, Craig, Sheila Francoeur and Speaker Scamman addressed the House.

(Deputy Speaker Weyler in the Chair)

Rep. Crane moved that the remarks of Reps. Moody and Naro be printed in the Permanent Journal.

Adopted.

REMARKS

Rep. Mary Cooney: There is a little boy, not quite a year and a half old, who will only know his father through stories and pictures his mother. Uncle Dan, grandparents and other relatives will tell him. Little Dakin won the hearts of everyone at the funeral service for his father, Army Captain Douglas DiCenzo. He wandered around the large crowd interacting with all who had come to honor his father who had been killed in Baghdad, along with his friend, PFC Robert Blair of Ocala, Florida, when their Humvee was hit by an Improvised Explosive Device on May 25th. Doug was with the First Armored Division, Second Brigade.

Doug grew up in Plymouth with his younger brother, Dan, and graduated fifth in his class from Plymouth Regional High School in 1995. Everyone who had kids in the Plymouth schools knew or knew of Doug. He was a leader and a role model even as a teenager, especially to his younger brother Dan. He was captain of the wrestling team and captain of the 1994 NH championship Plymouth football team, winning the Dana Bourassa Award as top wrestler three years in a row and the National Football Foundation's Scholar-Athlete Award for the State of New Hampshire. He was also the class president and a stellar student. He received a coveted appointment to the United States Military Academy at West Point, graduating from there in 1999. He asked for the Airborne and Ranger Training at Fort Benning, GA. It was here where he met his future wife, Nicole Knox. They were married in 2000 and moved to Fort Wainwright near Fairbanks, Alaska where Doug had been assigned. After Captain training in Georgia, they moved to Heidelberg, Germany where he joined the Fifth Army headquarter staff. He later took command of Charlie Company, First Armored Division and headed to Kuwait and then Iraq. His mother, Cathy Crane, said this was what Doug wanted and he believed in serving his country. The high points of Doug's service were working with children and building facilities for the Iraqi people. Doug was glad he was going where his skill and training would be put to use.

Doug's stepfather, Mark Burzynski, described him as kid who worked hard to achieve his success; he was not necessarily the naturally gifted athlete or student, but he was a natural leader. Doug's football coach, Chuck Lenahan, described "Dougy," as he was known, as a born leader. "It's hard to get your peers to look up to you and follow you. Whatever Dougy said or did, that's what everyone assumed should be done." Jake Miller, Doug's roommate from West Point, wrote a letter which was read at the service and gave a wonderful testimonial and description of Doug's character. He described Doug's passion, tenacity and competitive spirit. In the summer of 1997, Doug went out to Oregon to visit Jake and his family. They all headed to a lake for the weekend. Always in the mood for competition, they decided to play the game of inner tube war. This involved riding tubes being towed behind a speed boat. The game was to see who could hang on the longest as the boat driver tried to shake them off, as well as trying to knock each other off. Jake thought he had won when he kicked Doug's tube on a turn and saw it flip upside down as the boat continued on without its rider. Jake, the inner-tube victor, his father and brother were all laughing until they stared in disbelief as they saw the tube flip over at the next turn with Doug emerging,

still hanging on to the tube. This event is a metaphor for the way Doug lived his life; passionate in his love for his family and being a soldier; persevering in the face of defeat and in the pursuit of excellence, leadership, and honor. Tragically for his wife, Nicole, his family, friends, for the town of Plymouth, and especially, for a little guy named Dak, Doug DiCenzo, at 30 years old, lost his life doing the job his country asked of him. A life he chose. We will always honor him for his service and his sacrifice.

REMARKS

Rep. Naro: Mr. Speaker and Honorable members of this House, thank you for the opportunity to remember and honor one of Plymouth's best and brightest, US Army Captain Douglas DiCenzo. Three weeks ago, more than 1,000 friends, military, and dignitaries joined the family of Captain DiCenzo for a memorial service overlooking the mountain views and football field of Plymouth Regional High School. There were many powerful tributes given that day and I believe one especially captured the essence of Doug. Doug the man, the soldier and the hero. This letter was written by Doug's West Point roommate and close friend, US Army Captain Jake Miller and read by Jake's parents, as he is presently serving in Iraq. I was deeply moved by his heartfelt tribute and would like to share a few excerpts from Jake's letter with you today. He wrote:

"To Doug,

It is hard to quantify a man's impact on the world or to explain how very special someone is when limited by the constraints of ink and paper. I suppose I could write volumes about how much it meant to me as a friend and the positive impact you had on everybody around you, but I lack the literary grace to truly and accurately convey what I really feel. That said, please let me attempt to give you just an inkling of what an amazing person you were and what a gift your life was to the rest of us. To Doug's family and friends, passionate, hardworking, optimistic and loving, these are the four adjectives that begin best to describe the amazing person Doug DiCenzo was to me.

I met Doug when we arrived at West Point in the summer of 1995. Immediately, Doug struck me as motivated. His motivation far exceeded that of our peers. After spending just a few moments with Doug, it was obvious that his motivation was rooted in his passion. Doug was a passionate person in everything he did. During our first year at West Point, Doug was passionate about being the best cadet he could be. He worked tirelessly to excel physically, academically, and most importantly to Doug, militarily. I figure anybody else would burn out living such a passionate life and always working so hard. Maybe Doug would have burnt out, if it weren't for a third trait he always displayed. Optimism. Doug was the most optimistic person I have ever met. He was the kind of guy that would go looking for a cloud just so he could gaze at its silver lining. Anytime something went wrong, Doug would dismiss it as the only negative and focus his energy on what was going right.

As we grew and matured as cadets, Doug's new passion was to become the very best infantry officer he could be. On May 30, 1999, the day after he graduated from West Point, Doug and I drove out the Washington gate, took a picture of the Academy in our rear view mirror, and began our lives as officers in the United States Army. By this point, Doug has internalized the old infantry adage, "Follow me," and was ready to begin leading soldiers. It was while Doug was in the Infantry Officer Basic Corp, that I really started to see how loving he was as well. Doug called me one day and told me he had met a girl. The excitement in his voice was amazing and he was so anxious for me to meet Nicole. We made plans and all got together in Birmingham, Alabama, where I finally had the chance to meet this girl Doug was so smitten with. What a perfect match they were and it was no surprise that they were soon engaged and planning their wedding. Doug, who was always smiling, smiled even bigger when he was with Nicole. Every time I saw them together, he was smiling like he was on his first date with the girl of his dreams. A few years down the road, Doug's heart found a way to love even more, as Nicole gave birth to their beautiful boy, Dakin.

Deploying to Kuwait, and eventually to Iraq was bittersweet for Doug. Doug did not want to be away from Nicole and Dak for a minute more than he had to. At the same time, he was proud to command his company as they moved forward and welcomed the opportunity to make an impact on the world. In an e-mail shortly after he arrived in Baghdad, Doug told me where he was located and where his company worked. He went on to talk about being in Iraq as opposed to Kuwait. This is what he said, "It is good to be here and the fourth infantry division commanding general talked to us today. He thinks we will stay through the seating of the government. I hope

he is right. Our task force has lost three soldiers already and we need some time to make an impact on this area. How was your R & R leave? I can't wait to see Nic and Dak. Nic sent some great pictures of him finger painting the other day." It rocked. Doug was passionate about being a soldier and making a difference in his unit and Iraq. Doug was passionate about being a husband and a father, and could not wait to finish his duty here in Iraq so he could be with his loving wife and beautiful son again. Nicole, never forget how much Doug loves you. He was passionate about you and you made him a better man than he already was. Dakin, know your Daddy loves you with all his heart, he was a wonderful man and an example for all of us to live by. Please learn from his memory. He believed in what he was doing. When we were cadets at school, he would yell out the New Hampshire motto, "Live Free or Die."

He was passionate about our freedom. He was willing to work hard to ensure our continued freedom. He was optimistic that his effort would help secure our freedom and he was loving enough that he would sacrifice his life so we can live free. Doug still lives with us in our hearts and in our memories."

Thank you, Mr. Speaker.

Rep. Ober moved that the remarks of Rep. Bergeron be printed in the Permanent Journal. Without objection, the Chair ordered the remarks be printed.

REMARKS

Rep. Bergeron: Mr. Speaker, Honorable members and honored guests. On June 4th on a road outside of Baghdad, Army Specialist Daniel Gionet from the 4th Infantry Division died in support of Operation Iraqi Freedom. Daniel was 23 years old. In the horrors of war when a soldier is wounded, he looks to his God and to the medics. Specialist Daniel Gionet was a medic. Daniel Gionet was the soldier other soldiers looked to and Daniel was there for them. During the services at St. Patrick's Church, the priest shared with the mourners, Daniel's last moments.

After the explosive device destroyed the tank in which he was riding, Daniel ignored his own wounds and treated his wounded comrades. When other medics reached the scene, Daniel insisted that they first treat the badly wounded Lieutenant. "Don't deal with me," demanded Daniel. "Help the Lieutenant. He is in greater danger than me." Daniel then died of his wounds. Greater love has no man then he lay down his life for his friend.

This was Daniel's second tour of duty. He joined the Army shortly after graduating from Pelham High School. He served in Afghanistan as a cook, but he wanted to do more. In May of 2004, he re-enlisted. "I can't just be a cook," he told a friend. "I want to help people." Five months later, he was a medic. With Daniel it was never about him. It was about others. Daniel Gionet was a young man you wanted to be around. The patriotic young man with the big smile, with the big hug, and the positive attitude. He was the one you wanted to be on your team, not because he was a star, but because he gave 110% and never quit. In a eulogy, his baseball coach noted that because he played behind one of the best catchers in the Pelham High School's history, Daniel started only ten innings during his varsity career. Yet, his selfless attitude earned him the Athlete of the Year Award because he represented the best of Pelham on and off the field. With Daniel it was never about him, it was about others.

Last November, Daniel married Katrina. They had their life planned out. They planned a more formal ceremony when he returned home. When writing to his family, he went out of his way to reassure them. He played down the danger. "I'm safe, Mom. I'm in a camp where nothing penetrates." With Daniel it was never about him, it was about others.

All of us hope to leave a legacy to those we love and leave behind. Nature normally expects the legacy to be from the old to the young. Daniel left a legacy to his wife, his family and his community that we can all envy. In an era when "hero" is so overused, Daniels' wife, Daniel's parents, Daniel's grandparents, Daniel's brother and sister can truly say, "My husband, my son, my grandson, my brother actually was the genuine article – a real American hero. For what is a hero other than someone who inspires others by words and deeds, and when the chips are down is willing to put it all on the line for his family, for his country and for those around him? That is the legacy of Daniel Gionet. With Daniel it was never about him, it was about others. Thank you, Mr. Speaker. Thank you to the delegation of 27 to be here to support me. Thank you.

Rep. Craig moved that the remarks of Rep. O'Neil be printed in the Permanent Journal. Adopted.

REMARKS

Rep. O'Neil: Thank you, Mr. Speaker. For someone who has prided himself in being a man of few words, there certainly have been many words written and spoken about Doug Scamman. In the days since he announced his retirement from public service, *The Union Leader* wrote, "Scamman is a public servant first, a politician second. New Hampshire needs more like him." Over on the seacoast, where we both live, *Fosters Daily Democrat* wrote, "He lent a common sense, honest approach to state government." Truer words were never written and I couldn't put it much better. Regardless on what side of the aisle you sit and regardless of whether you agree with Doug on any issue, one thing is for certain. He has treated everyone as his equal. He has been a guardian of the legislative process for the people of this state, a bipartisan consensus builder among his peers and a man who stood by every word he spoke.

It has been a pleasure and an honor to have worked with my friend, Doug Scamman, over the past two years. I think if you had to look up the words for "citizen legislator" in the encyclopedia you might find a picture of Doug Scamman. One editorial referred to him as a "throwback" to the old days when relationships mattered more than partisanship. Well, his values and methods may be old fashioned to some, but no one can argue the results of what he has accomplished in the last two years. I thank you, Mr. Speaker, for the opportunity to have served with you as the Majority Leader. I wish you and Stella well as you sit back and enjoy your children and grandchildren, something that I hope to experience, also. Doug, you've spoken often of being proud of the fact that you have been able to follow in the footsteps of your father in these halls, but I can also tell you that your staff and the House Majority office have been proud to have followed in your footsteps these last two years. Doug and Stella, thank you both for what you have done for this legislature, for me personally and thank you for what you have done for the people of the State of New Hampshire.

Rep. Sheila Francoeur moved that the remarks of Rep. Craig be printed in the Permanent Journal. Adopted.

REMARKS

Rep. Craig: Mr. Speaker, I had signed up to speak before because this is my last day here, and then I took my name off because Dave Nixon first told me a long time ago, when I first got here, "Learn your lessons and make friends." And the first lesson I learned is you don't create hot air on a "coats off" day.

But I do want to join Rep. O'Neil in expressing my gratitude and admiration for what you have done for the State of New Hampshire. Let me just say that two years ago when I didn't know you, I went to the source that I knew who did know you, and that was my father who served with your father here and at other places. What he said to me was that "He might smell like a cow" [He said that. You've got to know my father] "but you can trust him and he's an honorable man and I'll be shocked if the two of you don't get along." I think, except for the cow part, my father was absolutely right.

Again, I think I speak for most Democrats when I say; we express our sincere gratitude for all that you have done for the state, for the State House and for everyone in here.

I have one last bit of business, if I may. Rep. Lefebvre, when he was up here before, he forgot that he wanted to give his First Sergeant stripes to the Sergeant-at-Arms, so he asked me, rather than coming down here again, to present them to her.

Rep. Sheila Francoeur moved that the remarks of Speaker Scamman be printed in the Permanent Journal.

Adopted.

REMARKS

Speaker Scamman: Since this is my last day, I thought that I would make a few remarks, too. It's going to be a little bit of history. It's going to be a lot of things in the same category that have already been talked about but a little bit different approach, naturally. I just want to say this - I certainly have fond memories of being here at the State House as a youngster following the footsteps of my dad as he conducted business, first as a legislator and then as a Speaker. Little did I know that one day I would return, along with my wife Stella, to follow in his footsteps for the next five decades, first as a legislator and, eventually, as Speaker of the House.

The Scamman name has certainly come full circle in this chamber, and now it is time for us to bid farewell to the State House to spend quality time with our children and grandchildren. Perhaps one day there will be yet another Scamman who will follow in our footsteps and they may be sitting right up there. And we hope that some day one of them will be elected to serve in the legislature at the State House.

Times were certainly different back when my father served. There were no computers in this building. Electronic voting was a thing of the future. In fact, it didn't come in until either my fourth or fifth term, I think it was my fourth term we had it. We used to sit here through those verbal roll calls. Blackberries were just a fruit. You certainly didn't have to worry about a cell phone going off in the middle of a committee meeting. And, everyone built strong personal friendships through gatherings at both the old Highway and the old Eagle Hotel. Just as a side bar, one of my most prized photographs I have at home is a picture of two young bucks sitting over in the Eagle Hotel, sitting around the couches, talking with quite a few legislators. One of them was Doug Scamman, the other was Bob Johnson. He still sits in this House and I certainly appreciate that Bob gave me that photo several years ago.

But one thing has not changed since those days and hopefully they never will. That is the importance of protecting the process by which we do business for the people who send us here. I strongly believe, as my father believed before me, that it is the "*process*" that makes this legislative body work so well. I hope that the Scamman legacy that is left behind is one of protecting this process. The strength of this legislative body lies in the committee structure and the brain power that resides with all of you, the most representative body in the United States. The committee structure is, without question, the most important element to a successful legislative session. We have proven it over the past two years through the creation of many good, public policies and in many areas, including laws to protect private property rights, laws to protect our children, and laws to boost our economy and create jobs, and certainly many to protect the environment.

As many of you know, I decided to return to the legislature two years ago because I felt strongly that we needed to address two very important issues: the education funding problem and fixing a budget that many experts projected was headed toward a \$300 million dollar deficit. Together, we were successful in both areas, but we didn't do it by accident. We allowed the committees to do their work. The body, as a whole, built a foundation of knowledge on the pending subject matters. This, and a lot of hard work, resulted in well-thought-out solutions. I feel very strongly that we should always protect the work done by both chambers of this legislature. The House and joint rules disallowing non-germane amendments to be added to legislation by committees of conference are essential if we are to have open government, if we are to insure open government and protect the work done by this body. Creating successful legislation is achieved by letting the committees do their work and then by debating and voting on the issue on this floor and that floor - not by circumventing the entire process through the tactic of non-germane amendments. The important work done by our committees and the interest of the people we serve need to be protected, now and in the future. Our constituents have a right to demand open government. Open government does not happen when an amendment is added in the committee of conference that was not in either the House or Senate version of that bill.

Throughout my many years of service in these hallowed halls, I have always shown a great interest in working on the budget. I believe that we, as legislators, must serve as watchdogs for the taxpayers of this state when it comes to the budget and spending their dollars. We also need to ensure that the services people need to have delivered - because government exists, because people fall through the cracks of the family, of religion, or the economics of society - we have to make sure that whatever is needed is budgeted also. The budget process should begin, and it did this time, with the Finance Committee, who reviews requests from the department heads along with the Governor's proposal. Following due diligence, House Bill 1 is then created by the House Finance Committee.

It makes good budgetary sense to first take a close look at what monies are available. We did that. Norm Major and the Ways and Means Committee certainly did a good job doing that. Then, set realistic goals and allow the process to lead you to a balanced budget that allows us to live within our means and also to deliver what services have to be delivered. It's a lot of work. The Finance Committee did a lot of work to make that budget the way it was and I want to thank them. Just as we all must do in our personal lives, once again, I urge you to always keep the process open. I can't say enough about Fred King. He made sure that that process was always open. I really want to make mention of it because he came to us from the Senate. Fred, thank you very much.

Keep the people informed and let them know in which direction you are headed. Rely on your department heads. They're the ones that know their budgets, they know their departments. They'll tell you what they can afford to live without and what they absolutely have to have. They have the knowledge to help you to arrive at your budget goal. Aim to see what you would fund with the estimated revenue. In this past budget, we spent fewer general fund dollars than in the previous biennium. We did it by first using the available revenue and we then prioritized the reductions from there. At the same time, we can be prioritizing what goes back into the budget, if necessary, and what people may deem is necessary.

In closing, I would like to personally thank my leadership team who worked so hard over the past two years to help us reach our goals. Mike O'Neil, there's nothing I can say about him except that he understands subject matter, he understands the process. He made sure that we kept going forward and he was of great assistance to making sure that we met our goals of doing what we set out to do and making sure we met the goal of getting it done in a reasonable time. Ken Weyler did a great job when I wasn't in the Chair. He was up there, he said, "You did me a great favor, I was in the Chair 18% of the time." These engineers, you've got to be careful about them, they keep track of everything. I do appreciate his support and loyalty. Pam Price, what a wonderful job she did, just a second-term legislator, as the Whip, she's well organized, well structured, she'd let us know when we were supposed to be doing things and I think she was one of the essential parts of why this legislature was so productive in the last two years. We brought in Mary Griffin towards the end of the first session. She was working like heck for us and was doing so much work, we felt she deserved a title and the recognition of what she did and she never stopped. Thank you, Mary. We brought Fran Wendelboe in towards the end of the session because we thought we needed some help on the health and human services issues within our front office. One of the things that did was allow Mike and myself to talk more and I think that helped us a lot in the last two months of the first session. I also would like to thank minority leadership, under the guidance of Jim Craig, whose dad, as he mentioned earlier, once served alongside my father. He was Minority Leader when my father was Speaker. I want to thank all of the Democrats in the House for their loyalty of serving, and doing what they think is right. I think that we as Republicans went forward and overcame you, when you weren't doing the right thing.

I thank all the State House and LOB legislative staff for their hard work. Certainly the LOB staff works with your people in your committees, they work for you personally when you have some personal things to do. They did a great job, they do a great job and I am proud to have had that type of service for you. You certainly needed it as you went forward and executed all the work that you did in the last two years. I want to thank the Clerk's staff. The Clerk, as we all know, was out for a while, the Assistant Clerk, and all the members of the Clerk's staff did a great job. I want to thank the Sergeant-at-Arms staff. The Sergeant-at-Arms staff did a great job and we all appreciate it. I want to thank all of them for their loyalty, their hard work. I want to thank especially the staff in my office. My Chief of Staff, Dick Amidon, he has been with me all the six years in office that I was in this position. He's very loyal, his skills of dealing with all the staff are amazing and I didn't worry about that. I wish him well as he goes forward. I want to thank Sandy Guinan. She keeps Dick and me straight, and a lot of other people. She's a tremendous asset to this legislature and I know she's probably cringing as she sits upstairs hearing this because she doesn't like publicity. But, she is a blessing to us in our office and to the whole legislature. Lucy, who is out because she had an operation on her knee, has been there all through the two years, is very loyal. Teresa we brought in, there is a young lady who can work. She does more work than one can imagine. The four legislative aides who served with us through this process did a great job. Jim and Paul are still working with us. Erin left us and went to work on the other side of the legislature and Lynn Merrill did a great job when she was here in the first session.

I want to thank my committee chairs and vice chairs. They have done a great job in working within the structure of the committee process. We could not have had as many successes without your leadership in committee.

Lastly, and most importantly, I would like to thank my wife, Stella, for her undying support, not only over the past two years but throughout my many decades of public service. Her ability to lead a household, raise a family, run a business, even while serving her time in the legislature, has been amazing. Thank you. You can see she's pretty patient, she stands up there a long time. I certainly could not have accomplished what I have without Stella at my side.

The road I have traveled certainly has not been without a few bumps along the way, but, I have no regrets in the way I chose to run this body. All in all, from the day I first followed my father through these hallowed halls to this moment in time, I have been fortunate, very fortunate, to have made many good friends on both sides of the aisle that have helped me to accomplish many, many things. I can only hope that as I leave this chamber and return to private life that people will say, there goes Doug Scamman - honest, hard-working man, who believed in the process, and who worked hard to make New Hampshire a better place to work, live and raise a family. God bless you all and God bless the State of New Hampshire.

ADJOURNMENT MOTION

Rep. O'Neil moved that the House adjourn to the Call of the Chair.
Adopted.

The House adjourned at 1:35 p.m.

CLERK'S NOTE

OUTSTANDING BILLS

At the time of adjournment, the following bills were not signed off in Committee of Conference:

HB 529, relative to the determination of parental rights and responsibilities.

HB 638-FN, relative to county and state financing of nursing home services.

HB 1334, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts.

HB 1516, relative to the modification and enforcement of child support orders.

HB 1613-FN-L, relative to polling place arrangement and accessibility.

HB 1690, relative to renewable energy.

SB 339, changing certain job titles and responsibilities in the department of transportation.

SB 376-FN-A, relative to revenues dedicated to the education trust fund.

At the time of adjournment, the following House bills remained laid on the table in the Senate:

HB 175, relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force.

HB 177, relative to home improvement contracts.

HB 270, relative to procedures of the legislative ethics committee.

HB 312, relative to the appointment of parenting coordinators.

HB 325, relative to proceedings under the Child Protection Act.

HB 347, relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.

HB 578, relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

HB 621-FN, requiring disclosure of gifts and campaign contributions by lobbyists.

HB 626-FN-L, relative to the right-to-know law.

HB 669-FN, establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.

HB 1134, relative to membership of the state building code review board.

HB 1140, establishing a committee to study the establishment and enforcement of protection zones for nesting loons.

HB 1166, relative to electronic ballot counting machines.

HB 1168, establishing a commission to determine how to optimize boating safety on water bodies.

HB 1176, establishing a committee to study statutes relating to railroads.

HB 1198, establishing a committee to study highway rest areas.

HB 1209, relative to notification requirements for criminal offenders.

HB 1220, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older.

HB 1221-FN, relative to recovery of medical assistance.

HB 1264, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act.

HB 1269, relative to the taking of red deer or elk.

HB 1279, establishing a commission to study state medicaid reimbursement.

- HB 1376*, relative to the duties of the legislative oversight committee on electric utility restructuring.
- HB 1409-FN*, relative to organ and tissue donation.
- HB 1446*, requiring the department of resources and economic development to prepare and submit a management and financial plan to the general court and the public prior to the opening of the Berlin regional ATV park.
- HB 1495*, relative to setback requirements for landfills located near rivers.
- HB 1506*, requiring children 12 years of age or under to wear personal flotation devices.
- HB 1509*, relative to campaign expenditure and contribution limitations.
- HB 1523*, relative to certain rulemaking authority of the commissioner of environmental services.
- HB 1539*, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist.
- HB 1555*, establishing a commission to investigate cost drivers in providing health care.
- HB 1565*, relative to evictions in cases involving incidents of domestic violence.
- HB 1568*, establishing a committee to study the siting and construction of commercial wind energy facilities.
- HB 1570*, relative to health insurance coverage for part-time college students.
- HB 1578*, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire.
- HB 1589*, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year-olds and 18-year-olds who are ready to leave foster care or the youth development center.
- HB 1592-FN*, making certain changes in the insurance law.
- HB 1597-FN-L*, relative to municipal obligations for indigent medical expenses.
- HB 1620-FN*, relative to hunting restrictions of certain convicted felons.
- HB 1674-FN*, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials.
- HB 1713-FN*, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing a commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs.
- HB 1751*, relative to penalties for failure to have workers' compensation coverage.
- HB 1768-FN*, establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the Supreme Court.
- HCR 25*, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution.
- HJR 20*, supporting stem cell research.
- HJR 24*, supporting efforts for commuter rail in the state of New Hampshire.

Attested by
Karen O. Wadsworth
Clerk of the House

2006 SPECIAL SESSION HOUSE JOURNAL NO. 1

Tuesday, September 26, 2006

The House assembled at 1:00 p.m., the hour and date set in the Call for Special Session of the House by the Secretary of State, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Jared A. Rardin, Pastor of the South Congregational Church in Concord.

O God of changing seasons and of eternal newness, be with us this day as we gather in special session today. Or rather, let us be with You - Open to Your stirrings, receptive to Your priorities, and faithful to that which will serve all whom we are privileged to represent in these hallowed halls. Give to us a willing spirit to work well together and to function not only out of our very best selves, but to appreciate all that is good in one another.

Receive our prayers this day for those we know who are ill or hospitalized or in a time of need in their lives; be also with all who grieve, all who struggle, and all who must wrestle mightily just to stay alive. All this we pray in Your holy name. Amen.

Rep. Claudette R. Jean, member from Nashua, led the Pledge of Allegiance.

The National Anthem was sung by all those present.

PETITION FOR THE CALLING OF A SPECIAL SESSION

To the Secretary of State:

WHEREAS, the New Hampshire Supreme Court decided on August 17, 2006 in the case of *Akins v. Secretary of State* that the manner of conducting general elections with ballots prepared in accordance with RSA 656:5 is unconstitutional under the New Hampshire constitution;

WHEREAS, the next general election is scheduled to be held on November 7, 2006 and prior to such time the General Court is not scheduled to be in session to enact a statute for the preparation of general election ballots that satisfy the constitutional strictures of the Supreme Court;

WHEREAS, under Part I, Article 11 of the New Hampshire constitution, "[e]very inhabitant of the state, having the proper qualification, has an equal right to be elected into office....," and under Part II, Article 22, the House of Representatives shall be the judge of the elections of its members and under Part II, Article 35, the Senate shall be the judge of the election of its members;

WHEREAS, the form of ballots for the elections in this state should be as specified by the people of the State acting through its elected members of the General Court and not as specified by, or as proposed to a trial court by, litigants in a private lawsuit;

WHEREAS, delay in the performance by the General Court of its obligation to specify the form of ballots for the general election in November may result in thousands of dollars in unforeseen and unbudgeted additional costs to municipalities;

WHEREAS, delay may also cause no acceptable form of a ballot to exist in the period following the September 12, 2006 primary elections and the state and municipalities to fail to meet one or more of the following statutory deadlines:

- | | |
|-------------------|---|
| October 6, 2006: | last day for secretary of state to deliver federal overseas ballots to clerks. RSA 657:10 |
| October 6, 2006: | last day for city council to set polling hours for general election. RSA 659:4 |
| October 24, 2006: | last day for selectman to post warrant for general election. RSA 658:1 |
| October 24, 2006: | last day for supervisors to prepare and post checklist for additional polling place. RSA 658:12 |
| October 28, 2006: | last day for town clerks/supervisors to accept voter registration applications. RSA 659:12; RSA 654:8, II |
| October 31, 2006: | last day for Secretary of State to deliver general election ballots to clerks. RSA 656:20 |
| November 7, 2006: | state general election. RSA 653:7; 654:7-a, 7-b. |

WHEREAS, delay may further cause all elections to proceed under a non-statutory, judicially imposed scheme that will be subject to further challenge under state and federal laws and constitutional mandates;

WHEREAS, immediate legislative action is required to correct these problems to ensure that the State's general election in November, 2006 and its general elections thereafter are conducted in a manner that is in a constitutional and fair manner proposed by its elected representatives.

NOW THEREFORE, we, the undersigned, believe that the welfare of the state requires a special session of the General Court for the immediate enactment of laws specifying the form of general election ballots and therefore, pursuant to RSA 16 petition for the calling of a special session of the General Court:

Senators

Barnes, John S., Jr.
 Boyce, Robert
 Clegg, Robert E., Jr.
 Gallas, John T.
 Gatsas, Theodore

Kenney, Joe
 Letourneau, Robert
 Martel, Andre
 Roberge, Sheila

Representatives

Albert, Russell
 Allan, Nelson
 Allen, Janet
 Babson, David L., Jr.
 Balboni, Michael A.
 Bergeron, Jean-Guy J.
 Berube, Roger
 Bettencourt, David J.
 Bickford, David
 Boehm, Ralph
 Boyce, Laurie J.
 Brown, Carolyn
 Buxton, Don
 Camm, Kevin L.
 Campbell, W. Packy
 Carson, Sharon
 Cataldo, Sam
 Chaplin, Dunc
 Christiansen, Lars
 Clark, Charles L.
 Desmarais, Vivian J.
 Dickinson, Howard C.
 Dowd, Jack
 Dowling, Patricia A.
 Dumaine, Dan
 Easson, Timothy
 Elliott, Nancy
 Emerson, Susan
 Fesh, Bob
 Field, William
 Flanders, Donald H.
 Francoeur, Bea
 Gionet, Edmond
 Giuda, Robert
 Goyette, Peter R.
 Griffin, Mary E.

Hagan, Barbara
 Ham, Bonnie
 Headd, James F.
 Hellwig, Steve
 Hinkle, Peyton
 Hopfgarten, Paul
 Hutchinson, Karen K.
 Ingbretson, Paul C.
 Introne, Robert
 Itse, Daniel C.
 Katsakiores, George N.
 Katsakiores, Phyllis
 Kennedy, Richard
 Lockwood, Priscilla
 Lund, Howie
 Marple, Dick
 Maybeck, Margie
 Mead, Robert
 Mirski, Paul
 Mooney, Maureen
 Newton, Cliff
 Ober, Lynne
 O'Brien, William L.
 Osgood, Phillip Joe
 Patten, Betsey
 Renzullo, Andrew
 Rosen, Ralph J.
 Rowe, Robert
 Soltani, Tony F.
 Sorg, Gregory M.
 Twombly, James
 Ulery, Jordan
 Villeneuve, Moe
 Waterhouse, Kevin
 Wendelboe, Fran
 Wheeler, James

CALL FOR THE SPECIAL SESSION

Dear Member of the General Court:

Pursuant to RSA 16:4 and 5, there were 15 affirmative votes as of 5:00 p.m. this day from members of the Senate and 211 affirmative votes from members of the House to hold a special session. As a result of this vote the members of each body shall convene at the State House on Tuesday, September 26, 2006 at 1:00 p.m.

Respectfully yours,
William M. Gardner
Secretary of State

CALL OF THE ROLL
BELKNAP COUNTY

- Dist. No. 01 (1)** Fran Wendelboe, r
Dist. No. 02 (2) Gail C. Morrison, d; William B. Tobin, r
Dist. No. 03 (2) Bruce D. Heald, r; Stephen H. Nedeau, r
Dist. No. 04 (5) James M. Fitzgerald, r; Donald H. Flanders, r; Ralph J. Rosen, r; Franklin T. Tilton, r; John A. Veazey, r
Dist. No. 05 (7) Janet F. Allen, r; Laurie J. Boyce, r; Charles L. Clark, r; James P. Pilliod, r; John H. Thomas, r; Michael D. Whalley, r
Dist. No. 06 (1) David H. Russell, r

CARROLL COUNTY

- Dist. No. 01 (4)** Carolyn A. Brown, r; Thomas L. Buco, d; Gene G. Chandler, r; Howard C. Dickinson, r
Dist. No. 02 (1) Donald R. Philbrick, r
Dist. No. 03 (3) David L. Babson Jr., r; Mark E. McConkey, r; Harry C. Merrow, r
Dist. No. 04 (4) Christopher J. Ahlgren, r; J David Knox, r; Betsey L. Patten, r; Stanley E. Stevens, r
Dist. No. 05 (2) James R. Martin, r; J Lisbeth Olimpio, r

CHESHIRE COUNTY

- Dist. No. 01 (1)** William V. Chase, d
Dist. No. 02 (3) Daniel A. Eaton, d; John M. Pratt, d; Sheldon S. Sawyer, r
Dist. No. 03 (7) Suzanne S. Butcher, d; J Timothy Dunn, d; Peter S. Espieffs, d; Kris E. Roberts, d; Timothy N. Robertson, d; Charles F. Weed, d
Dist. No. 04 (4) William Butynski, d; Deborah J. Hogancamp, r
Dist. No. 05 (1) Barbara Hull. Richardson, d
Dist. No. 06 (4) Peter H. Allen, d; Judson K. Dexter, r; Sheila A. Foote, r; Anna Tilton, d
Dist. No. 07 (4) Susan Emerson, r; John B. Hunt, r; Bonnie G. Mitchell, d; Stephen T. Pelkey, r

COOS COUNTY

- Dist. No. 01 (2)** Frederick W. King, r+d; Eric G. Stohl, r+d
Dist. No. 02 (4) Scott A. Merrick, d; Herbert D. Richardson, r; John E. Tholl Jr., r
Dist. No. 03 (1) Bruce S. Lary, r
Dist. No. 04 (4) Bernard E. Buzzell, d; Robert L. Theberge, d+r

GRAFTON COUNTY

- Dist. No. 01 (2)** Stephanie Eaton, r
Dist. No. 02 (1) Martha S. McLeod, d
Dist. No. 03 (2) Edmond D. Gionet, r+d; Gregory M. Sorg, r
Dist. No. 04 (1) Bonnie D. Ham, r+d
Dist. No. 05 (2) Robert J. Giuda, r+d; Paul C. Ingbreton, r
Dist. No. 06 (1) James D. Aguiar, d
Dist. No. 07 (2) Mary R. Cooney, d
Dist. No. 08 (3) Margie Maybeck, r; Burton W. Williams, r+d
Dist. No. 09 (4) Bernard L. Benn, d; Ruth Z. Bleyler, d; Sharon Nordgren, d; Hilda W. Sokol, d
Dist. No. 10 (3) Paul Mirski, r; Catherine Mulholland, d
Dist. No. 11 (4) Susan W. Almy, d; Lee M. Hammond, d; A Laurie Harding, d

HILLSBOROUGH COUNTY

- Dist. No. 01 (3)** James M. Carew, r; David E. Essex, d; Gilman C. Shattuck, d+r
- Dist. No. 02 (2)** Jarvis M. Adams IV., r; Claudia A. Chase, d
- Dist. No. 03 (4)** Mark S. Carter, r; Anne-Marie Irwin, d
- Dist. No. 04 (4)** Pamela D. Coughlin, r; Linda T. Foster, d; Robert D. Mead, r; William L. O'Brien, r
- Dist. No. 05 (4)** Richard B. Drisko, r; Carolyn M. Gargas, r; Betty B. Hall, d; Donald F. Ryder, r
- Dist. No. 06 (7)** Peter F. Bergin, r+d; Cynthia J. Dokmo, r+d; Ryan N. Hansen, r; Timothy D. O'Connell, r+d; Robert H. Rowe, r+d; Stephen B. Stepanek, r; James E. Wheeler, r
- Dist. No. 07 (7)** Larry A. Emerton, r+d; Randolph N S. Holden, r+d; Bruce F. Hunter, r; Neal M. Kurk, r+d; Pamela V. Manney, r+d; Karen K. McRae, r; Robert L. Wheeler, r+d
- Dist. No. 08 (3)** Jeffrey P. Goley, d; Christopher C. Pappas, d
- Dist. No. 09 (3)** James W. Craig, d; William M. Golding, r
- Dist. No. 10 (3)** Fran M. Egbers, d; Jean L. Jeudy, d; Peter M. Sullivan, d
- Dist. No. 11 (2)** Leo P. Pepino, r
- Dist. No. 12 (3)** Francis B. Sullivan, d+r; Hector M. Velez, d+r
- Dist. No. 13 (3)** Jeffrey S. Aboshar, r; Benjamin C. Baroody, d; William J. Infantine, r
- Dist. No. 14 (3)** Vivian J. Desmarais, r; Patrick F. Garrity, d; Robert J. Haley, d
- Dist. No. 15 (3)** Michael G. Biundo, r; Betsi L. DeVries, d; Steve Vaillancourt, r
- Dist. No. 16 (3)** J Gail Barry, r; Maurice L. Pilotte, d+r; Barbara E. Shaw, d
- Dist. No. 17 (8)** Jane E. Beaulieu, d; Paul A. Brassard, d; Carlos E. Gonzalez, r; Barbara J. Hagan, r; Raymond R. Hebert, r; Keith D. Hirschmann, r; Irene M. Messier, r
- Dist. No. 18 (6)** Mark S. Clark, r; John A. Graham, r; Ken Hawkins, r; Michael J. Scanlon, r; Maurice Villeneuve, r
- Dist. No. 19 (8)** Peter L. Batula, r; Robert W. Brundige, r; D L Chris Christensen, r; Nancy J. Elliott, r; Peyton B. Hinkle, r; Robert J. L'Heureux, r; Maureen C. Mooney, r
- Dist. No. 20 (3)** Ruth Ginsburg, d; Anthony P. Matarazzo Sr., d
- Dist. No. 21 (3)** Michael A. Balboni, r; Elenore Casey Crane, r; Suzanne Harvey, d
- Dist. No. 22 (3)** Lori A. Movsesian, d; Cindy Rosenwald, d; David L. Smith, d
- Dist. No. 23 (2)** David E. Cote, d; Mary J. Gorman, d
- Dist. No. 24 (3)** David B. Campbell, d+r; Jane A. Clemons, d
- Dist. No. 25 (3)** Peter R. Cote, d; Claudette R. Jean, d; Stephen Michon, d
- Dist. No. 26 (10)** Nelson S. Allan, r; Donald J. Dyer, r; Bea Francoeur, r; Paula I. Johnson, d; Bette R. Lasky, d; Mary Ellen Martin, d; Pamela G. Price, r; Joan H. Schulze, d; Kimberly C. Shaw, d
- Dist. No. 27 (13)** Jean-Guy J. Bergeron, r; Ralph G. Boehm, r; Leon C. Calawa Jr., r; Lars T. Christiansen, r; Peter R. Goyette Jr., r; Steve D. Hellwig, r; Shawn N. Jasper, r; James H. Lawrence, r; Rudy Lessard, r; Lynne M. Ober, r; Andrew Renzullo, r; Jordan G. Ulry, r

MERRIMACK COUNTY

- Dist. No. 01 (2)** David H. Kidder, r
- Dist. No. 02 (3)** Dennis Reed, r; Jim Ryan, d; Herbert F. Whiting, r
- Dist. No. 03 (1)** Patricia M. McMahon, d+r
- Dist. No. 04 (3)** Christine C. Hamm, d; Richard E. Kennedy, r; Derek Owen, d
- Dist. No. 05 (2)** Barbara C. French, d
- Dist. No. 06 (6)** Claire D. Clarke, d; James W. Danforth, r; Priscilla P. Lockwood, r; Roy D. Maxfield, r; Joy K. Tilton, d; Frank A. Tupper, d+r
- Dist. No. 07 (3)** William D. Field, r; Vincent E. Greco, d; Deanna P. Rush, d+r
- Dist. No. 08 (4)** John F. Klose, r; Thomas J. Langlais, r; Tony F. Soltani, r; Charles B. Yeaton, d
- Dist. No. 09 (4)** David W. Hess, r; Richard Marple, r; James H. Oliver, r
- Dist. No. 10 (4)** Elizabeth D. Blanchard, d+r; Mary Stuart. Gile, d+r; Frances D. Potter, d+r; Stephen J. Shurtleff, d+r
- Dist. No. 11 (5)** Candace C W. Bouchard, d; John DeJoie, d; James R. MacKay, r; Tara G. Reardon, d; Robert W. Williams, d
- Dist. No. 12 (4)** Donald A. Brueggemann, d; Elizabeth S. Hager, r; Mary Jane Wallner, d
- Dist. No. 13 (3)** Eric Anderson, r; Stephen T. DeStefano, d; Mary Beth Walz, d

ROCKINGHAM COUNTY

- Dist. No. 01 (4)** Robert A. Johnson, r; Rudolph J. Kobel, r; Joseph E. Stone, r
Dist. No. 02 (3) Franklin C. Bishop, r; Robert W. Forsing, r; Norman E. Weldy, r
Dist. No. 03 (9) Sharon M. Carson, r+d; Dudley D. Dumaine, r; James F. Headd, r; Karen K. Hutchinson, r; Robert E. Introne, r; Betsy McKinney, r; Sherman A. Packard, r; Benjamin E. Parker, r; John E.. Robinson, d
Dist. No. 04 (13) Ronald J. Belanger, r; David J. Bettencourt, r; James B. Coburn, r; Richard T. Cooney, r; Anthony R. DiFruscia, r; Mary E. Griffin, r; Charles E. McMahon, r; Anne K. Priestley, r; Kevin K. Waterhouse, r
Dist. No. 05 (11) John P. Dowd, r; Patricia A. Dowling, r; Bob M. Fesh, r; Kenneth H. Gould, r+d; Paul R. Hopfgarten, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r; Howie Lund, r; James B. Rausch, r; William R. Zolla, r
Dist. No. 06 (2) James M. Garrity, r+d; George D. Winchell, r+d
Dist. No. 07 (3) Gene P. Charron, r+d; Elisabeth N. Sanders, r
Dist. No. 08 (7) Kevin L. Camm, r; John W. Flanders Sr., r+d; Norman L. Major, r+d; David A. Welch, r; Roger G. Wells, r+d; Kenneth L. Weyler, r+d
Dist. No. 09 (3) C. Pennington Brown, d; Ronald J. Nowe, r
Dist. No. 10 (1)
Dist. No. 11 (2) Mary M. Allen, r; Kimberley S. Casey, d
Dist. No. 12 (3) Dennis F. Abbott, d+r; Marcia G. Moody, d
Dist. No. 13 (7) Eileen C. Flockhart, d; April H. Mason, r; Marshall Lee Quandt, r; Matthew J. Quandt, r; Stella Scamman, r; W Douglas Scamman, r
Dist. No. 14 (4) Benjamin E. Moore, r; Richard W. Morris, r; Frank J. Palazzo, r; E Albert Weare, r
Dist. No. 15 (5) Russell D. Bridle, r; Sheila T. Francoeur, r; Thomas J. Gillick, r; Michael O'Neil, r; Nancy F. Stiles, r
Dist. No. 16 (7) MaryAnn N. Blanchard, d; Jacqueline A. Cali-Pitts, d; Terie N. Norelli, d; Laura C. Pantelakos, d; James F. Powers, d; James R. Splaine, d
Dist. No. 17 (1) James G. Rolston, r
Dist. No. 18 (2) Daniel M. Hughes, r; Jane S. Langley, r

STRAFFORD COUNTY

- Dist. No. 01 (9)** Russell A. Albert, r; Julie M. Brown, r; Irene T. Creteau, d; Patricia C. Dunlap, r; Anne C. Grassie, d; Sandra B. Keans, r; Clifford A. Newton, r; James E. Twombly, r
Dist. No. 02 (5) Roger R. Berube, d; Dana S. Hilliard, d; Michael S. Rollo, d
Dist. No. 03 (8) David A. Bickford, r; Lawrence D. Brown, d; W Packy Campbell, r; Sam A. Cataldo, r; Duncan D. Chaplin, r; Jacalyn L. Cilley, d; Timothy E. Easson, r; Nancy K. Johnson, d
Dist. No. 04 (3) Peter B. Schmidt, d
Dist. No. 05 (3) Jennifer M. Brown, d; Baldwin M. Domingo, d; Jeffrey D. Hollinger, r
Dist. No. 06 (3) Earle Goodwin, d; Roland P. Hofemann, d; William V. Knowles, d
Dist. No. 07 (6) Naida L. Kaen, d+r; Joseph M. Miller, d; Emma L. Rous, d; Judith T. Spang, d; Janet G. Wall, d+r

SULLIVAN COUNTY

- Dist. No. 01 (2)** Charlotte Houde-Quimby, d; Stephen G. Prichard, d
Dist. No. 02 (3) Peter E. Franklin, d; Arthur G. Jillette Jr., d+r; Beverly T. Rodeschin, r
Dist. No. 03 (1) Harry S. Gale, r
Dist. No. 04 (5) John R. Cloutier, d+r; Larry Converse, d+r
Dist. No. 05 (2) Brenda L. Ferland, d; James G. Phinizy, d+r

With 343 members having answered the call, the Chair declared a quorum present.

LEAVES OF ABSENCE

Reps. Chabot, Donovan, Gilbert, Ingram, Lefebvre, Stephen L'Heureux, Plifka, Putnam, Carl Robertson, Serlin, Snyder and Solomon, the day, illness.

Reps. Cady, Coates, Currier, Gibson, Irish, Itse, Moran, Morneau, Parkhurst, Reeves, Remick, Ross, Marjorie Smith, Tahir and Weare, the day, important business.
Reps. Buhlman and Buxton, the day, illness in the family.

INTRODUCTION OF GUESTS

Dick Barry and Juanita Dangel, guests of the Merrimack delegation. Melanie Bell, guest of Rep. Jillette. Talu Robertson and Alan Forster, spouse and guest of Rep. Tim Robertson. Ron Mack, guest of Rep. Essex. Connie Soucy, guest of Rep. Barry. Tom Keane, guest of Rep. Eric Anderson. Wilfred Morrison, guest of Rep. Easson. Brad Galinson, guest of Rep. Rowe.

COMMUNICATION

June 27, 2006

Hon. W. Douglas Scamman, Jr.
Speaker of the House
Third Floor, State House
107 North Main Street
Concord, NH 03301

Dear Mr. Speaker:

I am writing to inform you that on Thursday, June 29, 2006 at 5 p.m. I will be resigning from the office of State Representative. It has been an honor to serve under your leadership in this legislative body representing the residents of Ward 4 Manchester for the past two years.

Sincerely,

Caitlin A. Daniuk

State Representative, Hills. 11

The Speaker accepted the resignation, with regret.

ADOPTION OF RULES

Reps. O'Neil and Craig moved that the House adopt the rules of the 2006 Special Session.

New Hampshire House of Representatives PROPOSED RULES OF THE SPECIAL SESSION

September 26, 2006

DUTIES OF THE SPEAKER

1. The Speaker shall take the chair at precisely the hour specified in the Call for the Special Session and shall immediately call the members to order.

2. The Speaker shall preserve decorum and order, may speak on points of order in preference to other members, and shall decide questions of order. The decision of the Speaker on a question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting.

3. The Speaker shall appoint all committees unless otherwise directed by the House.

4. The Speaker shall not be called on to vote unless the vote would be decisive. If the vote is tied after the Speaker has voted, the question shall be lost.

5. The Speaker shall sign all bills after passage or enrollment. All warrants, subpoenas and other processes issued by order of the House shall be signed by the Speaker and attested to by the Clerk.

6. The Speaker or chairman of the committee of the whole House shall have the power to order the gallery cleared in cases of any disturbance or disorderly conduct.

7. The Speaker shall have power to substitute any member to perform the duties of the Chair. If absent, the Speaker shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

DECORUM AND DEBATE

8. When the House is called to order, members shall take their seats and shall activate their voting stations immediately. When they leave their seats for any reason they shall deactivate their stations.

9. In all cases not provided for by the Constitution or Special Session Rules, Mason's Manual of Legislative Procedure, 2000 Edition, shall be the parliamentary guide.

10. When any member is about to speak in debate, make a motion, or deliver any matter to the House, the member shall rise from his or her seat and respectfully address the Speaker, declaring the purpose for which the member rises to speak.

11. In all cases the member rising first shall speak first. When two or more members rise at the same time, the Speaker shall name the person to speak. When many members choose to speak, they may file their names with the Clerk, who shall supply the list to the Speaker. The Speaker shall name the order in which the members shall speak.

12. No member shall speak more than twice on the same question without permission from the House. No member shall speak more than once until every member choosing to speak has spoken.

13. While the Speaker is putting a question or addressing the House, no one shall walk out of or across the House. While a member is speaking, no one shall pass between that member and the other members of the House, nor shall anyone engage in private conversation.

14. If any member transgresses the rules of the House, the Speaker shall, or any member may, call the member to order. The member called to order shall immediately sit down and the question of order shall be distinctly stated by the Speaker.

15. In all instances, every member shall act in conformance with the duly adopted New Hampshire General Court Ethics Guidelines and opinions of the Legislative Ethics Committee.

16.(a) The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer, and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the Speaker.

17. Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the person presenting it shall be recorded on the petition. The Speaker shall state the substance of the petition.

18. After a motion is stated by the Speaker, it shall be in possession of the House, but may be withdrawn at any time before an amendment.

19.(a) When any question is under debate, precedence of motions shall be as follows:

- (1) to adjourn;
- (2) to lay on the table;
- (3) for the previous question;
- (4) to postpone to a certain day;
- (5) to commit;
- (6) to amend;
- (7) to postpone indefinitely.

Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter.

(b) When a question is postponed indefinitely, it shall not be acted on during the same session, unless two-thirds of those members present and voting vote in favor thereof.

(c) No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

20.(a) The Speaker shall put the previous question in the following form: "Shall debate now be limited?" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question.

(b) All incidental questions of order arising after a motion of the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

(c) If the previous question is decided in the negative, it shall not again be in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

21. There shall be three forms of deciding the question: voice vote, division vote, roll call vote. No member shall vote in any case when the member was not present when the question was put.

(a) The question put by voice vote shall be: "All those in favor of the question say 'aye,'" and after the affirmative vote is expressed, "Those of a contrary opinion say 'no.'"

(b) A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

(c) A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by 10 other members. The member requesting the roll call vote and the 10 members who second the motion shall notify the clerk in writing or shall rise from their seats or otherwise be recognized by the Speaker.

(d) When a division or a roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his or her voting station shall press either the YES (Green) or NO (Red) button unless excused by the House for a special reason. After closing the vote, the Speaker shall rise and state the decision of the House.

22. In case of a tie vote, the question shall be lost.

23. No member shall leave his or her seat while the voting machine is in use and until the Speaker announces the result of the vote.

24. No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill is in the possession of the House.

(a) A motion for reconsideration shall be in order only until the time the House stands in final recess on the day the vote was taken.

(b) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

25. When the reading of a paper or a document is objected to by a member, the question shall be determined by a vote of the House without debate.

26. All members shall attend to their duties in the House and no one shall be absent from the service of the House unless the member has leave, or is sick and unable to attend.

BILLS

27. Enactment of laws, as provided in the Petition which resulted in the Call for the Special Session, shall be by bill. No bill shall be introduced into the House the subject matter of which is not included in the final paragraph of the Petition which resulted in the Call for the Special Session.

28.(a) The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

(b) The Office of Legislative Services shall not accept a request to draft any bill or resolution the subject matter of which is not included in the final paragraph of the Petition which resulted in the Call for the Special Session.

(c) The Office of Legislative Services shall not accept a request to draft any bill which is the same, or essentially the same, as any other drafting request already accepted. If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and mediate an agreement for the filing of a single bill. Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.

(d) All bills to be introduced in the House shall be delivered or caused to be delivered to the Office of Legislative Services by the member presenting them. The Office of Legislative Services shall prepare those bills in proper form and shall present them to the member(s) for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries a fiscal note.

(e) All bills shall be endorsed with the name and the district of the legislator presenting them. All legislation shall be numbered serially. Each bill shall be marked on the first page "House Bill."

(f) No LSR number shall be assigned and no House bill shall be drafted unless the LSR or bill has a House sponsor. No more than 5 House members shall be allowed to sponsor any bill or floor amendment. No more than 5 Senate members shall be allowed to co-sponsor legislation originating in the House.

(g) If a drafting request for a bill filed with the Office of Legislative Services requires a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal.

(h) For the purposes of these rules, money bills are those that either appropriate money or affect state revenues, whether new or existing.

29. Every request by a member of the House for drafting a bill which complies with these rules shall be accepted by the Office of Legislative Services for processing. Each request shall be accompanied by sufficient information necessary for drafting.

30.(a) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced.

(b) An LSR may be withdrawn at any time prior to its introduction with the consent of all of its sponsors. Any sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

31. Every bill shall have three separate readings in the House prior to its passage. The first and second readings shall be by title only which may be accomplished by a single motion. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed.

32. After each bill has been numbered, the Clerk shall procure a sufficient number of copies for distribution.

33.(a) No amendment shall be made until the second reading of a bill. All amendments to bills shall be prepared by the Office of Legislative Services, with the name of the member and the district represented by the member or the name of the policy committee proposing the amendment.

(b) No amendment shall be added to any bill, which is not germane to the subject matter of the legislative document as introduced.

(c) When a bill comes before the House, the body shall first consider a positive motion. The Speaker shall not permit a negative motion to be substituted until the House has properly disposed of a positive motion.

34. No standing rule of the House Special Session shall be suspended unless two-thirds of the members present vote in favor thereof. A motion to suspend the rules is debatable.

35. No rule shall be rescinded unless two days notice of a motion has been given and two-thirds of House members present vote therefor.

COMMITTEE OF THE WHOLE HOUSE

36. The House may resolve itself into a committee of the whole at any time on the motion of a member made for that purpose. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee shall be appointed by the Speaker.

37. When a bill is committed to a committee of the whole House, the entire bill shall first be read by the Clerk, and then again read and debated by clauses, leaving the preamble of the bill to be considered last. The body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as they are agreed to by the committee and so reported to the House. After reporting, the bill shall again be subject to debate and amendment by clauses before a question to pass it to a third reading is taken.

38. The rules of proceeding in the House shall be observed in the committee of the whole House, as far as they may be applicable, except the rule limiting the time of speaking.

ORDER OF BUSINESS

39.(a) The order of business in the early session shall be as follows:

1. Prayer by the Chaplain and pledge of allegiance;
2. Call of the Roll;
3. Leaves of absence if received before the start of the legislative day;
4. Introduction of guests;
5. Adoption of Rules;
6. Introduction, first and second reading and consideration of bills;
7. Messages from the Senate, the Governor and the Secretary of State;
8. Resolutions, motions and notices;
9. Adjournment from the early session.

(b) The order of business in the late session shall be as follows:

1. Third reading of bills;

2. Resolutions and motions;
3. Personal privilege.
4. Adjournment.

(c) The order of business listed in this rule shall be adhered to unless otherwise ordered by a majority of those members of the House present and voting.

(d) Leaves of absence may be granted by the House at any time.

40. If the Special Session continues for more than one legislative day, the unfinished business in which the House was engaged at the last preceding adjournment, if called for by any member, shall have preference over all other business except the general order of the day; and no motion, or any other business except the general order of the day, shall be received without special leave of the House, until the former is disposed.

OFFICERS AND PERSONNEL

41. The elected and appointed non-member officers and personnel of the House shall be under the direction of the Speaker, who shall define their duties not fixed by statute or otherwise ordered by the House.

42. No officer or employee of the House during the Special Session or any adjournment thereof shall purchase or contract to purchase, pay or promise to pay any sum of money on behalf of the House or issue any requisition or manifest without securing the approval in writing of the Speaker of the House or designee.

43. The Speaker may appoint an individual trained and experienced in security matters or law enforcement work, who, under the supervision and direction of the Speaker, shall prevent the deliberations of the House from being disrupted or interfered with by any person or persons not members thereof.

44. No employee or attaché of the House Sergeant-at-Arms shall, directly or indirectly, be personally involved with or attempt to influence the passage or consideration of any measure whatsoever. If any such employee or attaché becomes involved with any such measure, it shall be grounds for summary dismissal.

MISCELLANEOUS

45. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in possession any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House has the right to stop and search a member of the House on the premises of the House. With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting devices and/or receiving devices nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in Special Session. Rep. Pepino offered floor amendment (2410h).

Floor Amendment (2410h)

Amend House Rule 27 to read as follows:

27. Enactment of laws, the subject matter of which is included in the final paragraph of the Petition which resulted in the Call for the Special Session, shall be by bill. No bill or resolution shall be introduced into the House the subject matter of which is not included in the final paragraph of the Petition which resulted in the Call for the Special Session, except for constitutional amendment concurrent resolutions the subject matter of which is adequate education or education funding.

Amend House Rule 28(b) to read as follows:

(b) The Office of Legislatives Services shall not accept a request to draft any bill or resolution the subject matter of which is not included in the final paragraph of the Petition which resulted in the Call for the Special Session, except for constitutional amendment concurrent resolutions the subject matter of which is adequate education or education funding.

Rep. Pepino spoke in favor.

Rep. DiFruscia spoke against.

Rep. David Campbell inquired if floor amendment (2410h) was germane. The Speaker ruled the amendment was germane.

Rep. Pepino requested a roll call; sufficiently seconded.

YEAS 62 NAYS 277**YEAS 62
BELKNAP**

Allen, Janet
Veazey, John

Clark, Charles
Wendelboe, Fran

Fitzgerald, James

Tobin, William

CARROLL

Dickinson, Howard

McConkey, Mark

Morrow, Harry

CHESHIRE

Emerson, Susan

COOS

Stohl, Eric

GRAFTON

Maybeck, Margie

HILLSBOROUGH

Allan, Nelson
Brundige, Robert
Gonzalez, Carlos
Hirschmann, Keith
Kurk, Neal
Mooney, Maureen
Sullivan, Peter

Barry, J Gail
Carter, Mark
Hagan, Barbara
Hunter, Bruce
Lawrence, James
Ober, Lynne
Ulery, Jordan

Bergeron, Jean-Guy
Crane, Elenore Casey
Hansen, Ryan
Infantine, William
Manney, Pamela
Pepino, Leo
Wheeler, James

Biundo, Michael
Dyer, Donald
Hawkins, Ken
Jasper, Shawn
McRae, Karen
Stepanek, Stephen
Wheeler, Robert

MERRIMACK

Danforth, James

Field, William

Oliver, James

Soltani, Tony

ROCKINGHAM

Camm, Kevin
Forsing, Robert
Hutchinson, Karen
Sanders, Elisabeth

Coburn, James
Garity, James
Introne, Robert
Waterhouse, Kevin

Dumaine, Dudley
Headd, James
Quandt, Marshall Lee
Weyler, Kenneth

Fesh, Bob
Hughes, Daniel
Quandt, Matthew
Zolla, William

STRAFFORD

Campbell, W Packy

Chaplin, Duncan

SULLIVAN

None

NAYS 277**BELKNAP**

Boyce, Laurie
Nedeau, Stephen
Thomas, John

Flanders, Donald
Pilliod, James
Tilton, Franklin

Herald, Bruce
Rosen, Ralph
Whalley, Michael

Morrison, Gail
Russell, David

CARROLL

Ahlgren, Christopher
Chandler, Gene
Patten, Betsey

Babson, David Jr
Knox, J David
Philbrick, Donald

Brown, Carolyn
Martin, James
Stevens, Stanley

Buco, Thomas
Olimpio, J Lisbeth

CHESHIRE

Allen, Peter
Dexter, Judson

Butcher, Suzanne
Dunn, J Timothy

Butynski, William
Eaton, Daniel

Chase, William
Espieles, Peter

Foote, Sheila
Pelkey, Stephen
Robertson, Timothy

Hogancamp, Deborah
Pratt, John
Sawyer, Sheldon

Hunt, John
Richardson, Barbara
Tilton, Anna

Mitchell, Bonnie
Roberts, Kris
Weed, Charles

COOS

Buzzell, Bernard
Richardson, Herbert

King, Frederick
Theberge, Robert

Lary, Bruce
Tholl, John Jr

Merrick, Scott

GRAFTON

Aguiar, James
Bleyler, Ruth
Giuda, Robert
Ingbertson, Paul
Nordgren, Sharon

Almy, Susan
Cooney, Mary
Ham, Bonnie
McLeod, Martha
Sokol, Hilda

Andersen, Gene
Eaton, Stephanie
Hammond, Lee
Mirski, Paul
Sorg, Gregory

Benn, Bernard
Gionet, Edmond
Harding, A Laurie
Mulholland, Catherine
Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV
Beaulieu, Jane
Calawa, Leon Jr
Christensen, D L Chris
Cote, David
Desmarais, Vivian
Egbers, Fran
Foster, Linda
Ginsburg, Ruth
Goyette, Peter Jr
Harvey, Suzanne
Holden, Randolph
Johnson, Paula
Martin, Mary Ellen
Michon, Stephen
Pappas, Christopher
Rosenwald, Cindy
Schulze, Joan
Smith, David
Villeneuve, Maurice

Balboni, Michael
Bergin, Peter
Campbell, David
Christiansen, Lars
Cote, Peter
DeVries, Betsi
Elliott, Nancy
Francoeur, Bea
Golding, William
Graham, John
Hebert, Raymond
Irwin, Anne-Marie
L'Heureux, Robert
Matarazzo, Anthony Sr
Movsesian, Lori
Pilotte, Maurice
Rowe, Robert
Shattuck, Gilman
Sullivan, Francis

Baroody, Benjamin
Boehm, Ralph
Carew, James
Clark, Mark
Coughlin, Pamela
Dokmo, Cynthia
Emerton, Larry
Gargas, Carolyn
Goley, Jeffrey
Haley, Robert
Hellwig, Steve
Jean, Claudette
Lasky, Bette
Mead, Robert
O'Brien, William
Price, Pamela
Ryder, Donald
Shaw, Barbara
Vaillancourt, Steve

Batula, Peter
Brassard, Paul
Chase, Claudia
Clemons, Jane
Craig, James
Drisko, Richard
Essex, David
Garrity, Patrick
Gorman, Mary
Hall, Betty
Hinkle, Peyton
Judy, Jean
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Renzullo, Andrew
Scanlon, Michael
Shaw, Kimberly
Velez, Hector

MERRIMACK

Anderson, Eric
Clarke, Claire
Gile, Mary
Hess, David
Langlais, Thomas
Maxfield, Roy
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Blanchard, Elizabeth
DeJoie, John
Greco, Vincent
Kennedy, Richard
Lockwood, Priscilla
McMahon, Patricia
Reed, Dennis
Tilton, Joy
Whiting, Herbert

Bouchard, Candace
DeStefano, Stephen
Hager, Elizabeth
Kidder, David
MacKay, James
Owen, Derek
Rush, Deanna
Tupper, Frank
Williams, Robert

Brueggemann, Donald
French, Barbara
Hamm, Christine
Klose, John
Marple, Richard
Potter, Frances
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

ROCKINGHAM

Abbott, Dennis
Bishop, Franklin
Cali-Pitts, Jacqueline
Cooney, Richard
Flanders, John Sr
Gould, Kenneth
Katsakiores, George
Lund, Howie
McMahon, Charles
Norelli, Terie

Allen, Mary
Blanchard, MaryAnn
Carson, Sharon
DiFruscia, Anthony
Flockhart, Eileen
Griffin, Mary
Katsakiores, Phyllis
Major, Norman
Moody, Marcia
Nowe, Ronald

Belanger, Ronald
Bridle, Russell
Casey, Kimberley
Dowd, John
Francoeur, Sheila
Hopfgarten, Paul
Kobel, Rudolph
Mason, April
Moore, Benjamin
O'Neil, Michael

Bettencourt, David
Brown, C. Pennington
Charron, Gene
Dowling, Patricia
Gillick, Thomas
Johnson, Robert
Langley, Jane
McKinney, Betsy
Morris, Richard
Packard, Sherman

Pantelakos, Laura
Rausch, James
Splaine, James
Welch, David

Parker, Benjamin
Robinson, John
Stiles, Nancy
Wells, Roger

Powers, James
Rolston, James
Stone, Joseph
Winchell, George

Priestley, Anne
Scamman, Stella
Weare, E Albert

STRAFFORD

Albert, Russell
Brown, Julie
Creteau, Irene
Goodwin, Earle
Hollinger, Jeffrey
Knowles, William
Rous, Emma
Twombly, James

Berube, Roger
Brown, Lawrence
Domingo, Baldwin
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Wall, Janet

Bickford, David
Cataldo, Sam
Dunlap, Patricia
Hilliard, Dana
Kaen, Naida
Newton, Clifford
Spang, Judith

Brown, Jennifer
Cilley, Jacalyn
Easson, Timothy
Hofemann, Roland
Keans, Sandra
Rollo, Michael
Taylor, Kathleen

SULLIVAN

Cloutier, John
Gale, Harry
Prichard, Stephen

Converse, Larry
Houde-Quimby, Charlotte
Rodeschin, Beverly

Ferland, Brenda
Jillette, Arthur Jr

Franklin, Peter
Phinizy, James

and floor amendment (2410h) failed.

Rep. Coburn offered floor amendment (2414h).

Floor Amendment (2414h)

Amend the House Rules of the 2006 special session to read as follows:

DUTIES OF THE SPEAKER

1. The Speaker shall take the chair at precisely the hour specified in the Call for the Special Session and shall immediately call the members to order.
2. The Speaker shall preserve decorum and order, may speak on points of order in preference to other members, and shall decide questions of order. The decision of the Speaker on a question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting.
3. The Speaker shall appoint all committees unless otherwise directed by the House.
4. The Speaker shall not be called on to vote unless the vote would be decisive. If the vote is tied after the Speaker has voted, the question shall be lost.
5. The Speaker shall sign all bills after passage or enrollment. All warrants, subpoenas and other processes issued by order of the House shall be signed by the Speaker and attested to by the Clerk.
6. The Speaker or chairman of the committee of the whole House shall have the power to order the gallery cleared in cases of any disturbance or disorderly conduct.
7. The Speaker shall have power to substitute any member to perform the duties of the Chair. If absent, the Speaker shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

DECORUM AND DEBATE

8. When the House is called to order, members shall take their seats and shall activate their voting stations immediately. When they leave their seats for any reason they shall deactivate their stations.
9. In all cases not provided for by the Constitution or Special Session Rules, Mason's Manual of Legislative Procedure, 2000 Edition, shall be the parliamentary guide.
10. When any member is about to speak in debate, make a motion, or deliver any matter to the House, the member shall rise from his or her seat and respectfully address the Speaker, declaring the purpose for which the member rises to speak.
11. In all cases the member rising first shall speak first. When two or more members rise at the same time, the Speaker shall name the person to speak. When many members choose to speak, they may file their names with the Clerk, who shall supply the list to the Speaker. The Speaker shall name the order in which the members shall speak.
12. No member shall speak more than twice on the same question without permission from the House. No member shall speak more than once until every member choosing to speak has spoken.

13. While the Speaker is putting a question or addressing the House, no one shall walk out of or across the House. While a member is speaking, no one shall pass between that member and the other members of the House, nor shall anyone engage in private conversation.

14. If any member transgresses the rules of the House, the Speaker shall, or any member may, call the member to order. The member called to order shall immediately sit down and the question of order shall be distinctly stated by the Speaker.

15. In all instances, every member shall act in conformance with the duly adopted New Hampshire General Court Ethics Guidelines and opinions of the Legislative Ethics Committee.

16.(a) The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer, and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber or anteroom while the House is in session, except with the permission of the Speaker.

17. Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the person presenting it shall be recorded on the petition. The Speaker shall state the substance of the petition.

18. After a motion is stated by the Speaker, it shall be in possession of the House, but may be withdrawn at any time before an amendment.

19.(a) When any question is under debate, precedence of motions shall be as follows:

- (1) to adjourn;
- (2) to lay on the table;
- (3) for the previous question;
- (4) to postpone to a certain day;
- (5) to commit;
- (6) to amend;
- (7) to postpone indefinitely.

Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter.

(b) When a question is postponed indefinitely, it shall not be acted on during the same session, unless two-thirds of those members present and voting vote in favor thereof.

(c) No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

20.(a) The Speaker shall put the previous question in the following form: "Shall debate now be limited?" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question.

(b) All incidental questions of order arising after a motion of the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

(c) If the previous question is decided in the negative, it shall not again be in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

21. There shall be three forms of deciding the question: voice vote, division vote, roll call vote. No member shall vote in any case when the member was not present when the question was put.

(a) The question put by voice vote shall be: "All those in favor of the question say 'aye,'" and after the affirmative vote is expressed, "Those of a contrary opinion say 'no.'"

(b) A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

(c) A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by 10 other members. The member requesting the roll call vote and the 10 members who second the motion shall notify the clerk in writing or shall rise from their seats or otherwise be recognized by the Speaker.

(d) When a division or a roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his or her voting station shall press either the YES (Green) or NO (Red) button unless excused by the House for a special reason. After closing the vote, the Speaker shall rise and state the decision of the House.

22. In case of a tie vote, the question shall be lost.

23. No member shall leave his or her seat while the voting machine is in use and until the Speaker announces the result of the vote.

24. No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side while the bill is in the possession of the House.

(a) A motion for reconsideration shall be in order only until the time the House stands in final recess on the day the vote was taken.

(b) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

25. When the reading of a paper or a document is objected to by a member, the question shall be determined by a vote of the House without debate.

26. All members shall attend to their duties in the House and no one shall be absent from the service of the House unless the member has leave, or is sick and unable to attend.

BILLS

27. No bill shall be introduced into the House the subject matter of which is not election ballots, education funding, or taxes.

28.(a) The Office of Legislative Services shall identify LSRs in language which makes clear the intent of the bill. LSRs, with the name(s) of the sponsor(s), shall be published by the Office of Legislative Services. The Speaker of the House shall adjudicate any disagreement concerning the publication of LSRs that may arise between bill sponsors and the Office of Legislative Services.

(b) The Office of Legislative Services shall not accept a request to draft any bill or resolution the subject matter of which is not election ballots, education funding, or taxes.

(c) The Office of Legislative Services shall not accept a request to draft any bill which is the same, or essentially the same, as any other drafting request already accepted. If duplicate or similar legislation is requested, the Director of Legislative Services shall notify the sponsors of each filing request and mediate an agreement for the filing of a single bill. Filing requests resulting from legislative committee work shall take precedence over all other duplicate or similar filings. The name of the House member whose LSR request is denied due to duplication may be substituted on request for that of the original sponsor if the original sponsor withdraws the drafting request prior to the sign-off deadline.

(d) All bills to be introduced in the House shall be delivered or caused to be delivered to the Office of Legislative Services by the member presenting them. The Office of Legislative Services shall prepare those bills in proper form and shall present them to the member(s) for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries a fiscal note.

(e) All bills shall be endorsed with the name and the district of the legislator presenting them. All legislation shall be numbered serially. Each bill shall be marked on the first page "House Bill."

(f) No LSR number shall be assigned and no House bill shall be drafted unless the LSR or bill has a House sponsor. No more than 5 House members shall be allowed to sponsor any bill or floor amendment. No more than 5 Senate members shall be allowed to co-sponsor legislation originating in the House.

(g) If a drafting request for a bill filed with the Office of Legislative Services requires a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal.

(h) For the purposes of these rules, money bills are those that either appropriate money or affect state revenues, whether new or existing.

29. Every request by a member of the House for drafting a bill which complies with these rules shall be accepted by the Office of Legislative Services for processing. Each request shall be accompanied by sufficient information necessary for drafting.

30.(a) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced.

(b) An LSR may be withdrawn at any time prior to its introduction with the consent of all of its sponsors. Any sponsor may request that his or her name be deleted as a sponsor of the bill prior to its introduction.

31. Every bill shall have three separate readings in the House prior to its passage. The first and second readings shall be by title only which may be accomplished by a single motion. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed.

32. After each bill has been numbered, the Clerk shall procure a sufficient number of copies for distribution.

33.(a) No amendment shall be made until the second reading of a bill. All amendments to bills shall be prepared by the Office of Legislative Services, with the name of the member and the district represented by the member or the name of the policy committee proposing the amendment.

(b) No amendment shall be added to any bill, which is not germane to the subject matter of the legislative document as introduced.

(c) When a bill comes before the House, the body shall first consider a positive motion. The Speaker shall not permit a negative motion to be substituted until the House has properly disposed of a positive motion.

34. No standing rule of the House Special Session shall be suspended unless two-thirds of the members present vote in favor thereof. A motion to suspend the rules is debatable.

35. No rule shall be rescinded unless two days notice of a motion has been given and two-thirds of House members present vote therefor.

COMMITTEE OF THE WHOLE HOUSE

36. The House may resolve itself into a committee of the whole at any time on the motion of a member made for that purpose. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee shall be appointed by the Speaker.

37. When a bill is committed to a committee of the whole House, the entire bill shall first be read by the Clerk, and then again read and debated by clauses, leaving the preamble of the bill to be considered last. The body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as they are agreed to by the committee and so reported to the House. After reporting, the bill shall again be subject to debate and amendment by clauses before a question to pass it to a third reading is taken.

38. The rules of proceeding in the House shall be observed in the committee of the whole House, as far as they may be applicable, except the rule limiting the time of speaking.

ORDER OF BUSINESS

39.(a) The order of business in the early session shall be as follows:

1. Prayer by the Chaplain and pledge of allegiance;
2. Call of the Roll;
3. Leaves of absence if received before the start of the legislative day;
4. Introduction of guests;
5. Adoption of Rules;
6. Introduction, first and second reading and consideration of bills;
7. Messages from the Senate, the Governor and the Secretary of State;
8. Resolutions, motions and notices;
9. Adjournment from the early session.

(b) The order of business in the late session shall be as follows:

1. Third reading of bills;
2. Resolutions and motions;
3. Personal privilege.
4. Adjournment.

(c) The order of business listed in this rule shall be adhered to unless otherwise ordered by a majority of those members of the House present and voting.

(d) Leaves of absence may be granted by the House at any time.

40. If the Special Session continues for more than one legislative day, the unfinished business in which the House was engaged at the last preceding adjournment, if called for by any member, shall have preference over all other business except the general order of the day; and no motion, or any other business except the general order of the day, shall be received without special leave of the House, until the former is disposed.

OFFICERS AND PERSONNEL

41. The elected and appointed non-member officers and personnel of the House shall be under the direction of the Speaker, who shall define their duties not fixed by statute or otherwise ordered by the House.

42. No officer or employee of the House during the Special Session or any adjournment thereof shall purchase or contract to purchase, pay or promise to pay any sum of money on behalf of the House or issue any requisition or manifest without securing the approval in writing of the Speaker of the House or designee.

43. The Speaker may appoint an individual trained and experienced in security matters or law enforcement work, who, under the supervision and direction of the Speaker, shall prevent the deliberations of the House from being disrupted or interfered with by any person or persons not members thereof.

44. No employee or attaché of the House Sergeant-at-Arms shall, directly or indirectly, be personally involved with or attempt to influence the passage or consideration of any measure whatsoever. If any such employee or attaché becomes involved with any such measure, it shall be grounds for summary dismissal.

MISCELLANEOUS

45. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in possession any deadly weapon as defined in RSA 625:11, V while in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House has the right to stop and search a member of the House on the premises of the House. With the exception of devices for the hearing impaired, no member shall operate audible electronic transmitting devices and/or receiving devices nor shall any member operate a video camera or a camera utilizing flash bulbs on the floor of the House, while the House is in Special Session.

Reps. Coburn, Infantine and Crane spoke in favor.

Reps. DiFruscia, Pratt and Robinson spoke against.

Rep. Carter spoke in favor and yielded to questions.

Rep. Graham requested a roll call; sufficiently seconded.

YEAS 105 NAYS 234**YEAS 105****BELKNAP**

Allen, Janet	Clark, Charles	Fitzgerald, James	Heald, Bruce
Russell, David	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran			

CARROLL

Babson, David Jr	Brown, Carolyn	Dickinson, Howard	McConkey, Mark
Morrow, Harry	Stevens, Stanley		

CHESHIRE

Emerson, Susan	Hunt, John
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COOS

Stohl, Eric

GRAFTON

Gionet, Edmond	Maybeck, Margie
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HILLSBOROUGH

Adams, Jarvis IV	Allan, Nelson	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Biundo, Michael	Boehm, Ralph	Brassard, Paul
Brundige, Robert	Calawa, Leon Jr	Carew, James	Carter, Mark
Clark, Mark	Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian

Dyer, Donald
Goyette, Peter Jr
Hawkins, Ken
Infantine, William
L'Heureux, Robert
Mooney, Maureen
Scanlon, Michael
Vaillancourt, Steve

Elliott, Nancy
Graham, John
Hebert, Raymond
Jasper, Shawn
Lawrence, James
Ober, Lynne
Stepanek, Stephen
Wheeler, James

Francoeur, Bea
Hagan, Barbara
Hirschmann, Keith
Jeuzy, Jean
Manney, Pamela
Renzullo, Andrew
Sullivan, Peter
Wheeler, Robert

Gonzalez, Carlos
Hansen, Ryan
Hunter, Bruce
Kurk, Neal
McRae, Karen
Rowe, Robert
Ulery, Jordan

MERRIMACK

Anderson, Eric
Langlais, Thomas

Field, William
Soltani, Tony

Hess, David

Kennedy, Richard

ROCKINGHAM

Belanger, Ronald
Coburn, James
Francoeur, Sheila
Hughes, Daniel
Mason, April
Quandt, Marshall Lee
Weyler, Kenneth

Bridle, Russell
Dumaine, Dudley
Garrity, James
Introne, Robert
McMahon, Charles
Quandt, Matthew
Winchell, George

Camm, Kevin
Fesh, Bob
Griffin, Mary
Kobel, Rudolph
Nowe, Ronald
Stiles, Nancy
Zolla, William

Carson, Sharon
Forsing, Robert
Headd, James
Major, Norman
Palazzo, Frank
Waterhouse, Kevin

STRAFFORD

Campbell, W Packy

Cataldo, Sam

Chaplin, Duncan

Easson, Timothy

SULLIVAN

Gale, Harry

NAYS 234

BELKNAP

Boyce, Laurie
Pilliod, James

Flanders, Donald
Rosen, Ralph

Morrison, Gail
Thomas, John

Nedeau, Stephen
Whalley, Michael

CARROLL

Ahlgren, Christopher
Olimpio, J Lisbeth

Buco, Thomas
Patten, Betsey

Knox, J David
Philbrick, Donald

Martin, James

CHESHIRE

Allen, Peter
Dexter, Judson
Foote, Sheila
Pratt, John
Sawyer, Sheldon

Butcher, Suzanne
Dunn, J Timothy
Hogancamp, Deborah
Richardson, Barbara
Tilton, Anna

Butynski, William
Eaton, Daniel
Mitchell, Bonnie
Roberts, Kris
Weed, Charles

Chase, William
Espiefs, Peter
Pelkey, Stephen
Robertson, Timothy

COOS

Buzzell, Bernard
Richardson, Herbert

King, Frederick
Theberge, Robert

Lary, Bruce
Tholl, John Jr

Merrick, Scott

GRAFTON

Aguiar, James
Bleyler, Ruth
Ham, Bonnie
McLeod, Martha
Sokol, Hilda

Almy, Susan
Cooney, Mary
Hammond, Lee
Mirski, Paul
Sorg, Gregory

Andersen, Gene
Eaton, Stephanie
Harding, A Laurie
Mulholland, Catherine
Williams, Burton

Benn, Bernard
Giuda, Robert
Ingbreton, Paul
Nordgren, Sharon

HILLSBOROUGH

Balboni, Michael
Campbell, David

Baroody, Benjamin
Chase, Claudia

Beaulieu, Jane
Christensen, D L Chris

Bergin, Peter
Christiansen, Lars

Clemons, Jane
DeVries, Betsi
Emerton, Larry
Garrity, Patrick
Gorman, Mary
Hellwig, Steve
Jean, Claudette
Martin, Mary Ellen
Michon, Stephen
Pappas, Christopher
Rosenwald, Cindy
Shaw, Barbara
Velez, Hector

Cote, David
Dokmo, Cynthia
Essex, David
Ginsburg, Ruth
Haley, Robert
Hinkle, Peyton
Johnson, Paula
Matarazzo, Anthony Sr
Movsesian, Lori
Pepino, Leo
Ryder, Donald
Shaw, Kimberly
Villeneuve, Maurice

Cote, Peter
Drisko, Richard
Foster, Linda
Golding, William
Hall, Betty
Holden, Randolph
Lasky, Bette
Mead, Robert
O'Brien, William
Pilotte, Maurice
Schulze, Joan
Smith, David

Craig, James
Egbers, Fran
Gargasz, Carolyn
Goley, Jeffrey
Harvey, Suzanne
Irwin, Anne-Marie
Lessard, Rudy
Messier, Irene
O'Connell, Timothy
Price, Pamela
Shattuck, Gilman
Sullivan, Francis

MERRIMACK

Blanchard, Elizabeth
Danforth, James
Gile, Mary
Kidder, David
Marple, Richard
Owen, Derek
Rush, Deanna
Tupper, Frank
Williams, Robert

Bouchard, Candace
DeJoie, John
Greco, Vincent
Klose, John
Maxfield, Roy
Potter, Frances
Ryan, Jim
Wallner, Mary Jane
Yeaton, Charles

Bueggemann, Donald
DeStefano, Stephen
Hager, Elizabeth
Lockwood, Priscilla
McMahon, Patricia
Reardon, Tara
Shurtleff, Stephen
Walz, Mary Beth

Clarke, Claire
French, Barbara
Hamm, Christine
MacKay, James
Oliver, James
Reed, Dennis
Tilton, Joy
Whiting, Herbert

ROCKINGHAM

Abbott, Dennis
Blanchard, MaryAnn
Charron, Gene
Dowling, Patricia
Gould, Kenneth
Katsakiores, George
McKinney, Betsy
Norelli, Terie
Parker, Benjamin
Robinson, John
Splaine, James
Wells, Roger

Allen, Mary
Brown, C. Pennington
Cooney, Richard
Flanders, John Sr
Hopfgarten, Paul
Katsakiores, Phyllis
Moody, Marcia
O'Neil, Michael
Powers, James
Rolston, James
Stone, Joseph

Bettencourt, David
Cali-Pitts, Jacqueline
DiFruscia, Anthony
Flockhart, Eileen
Hutchinson, Karen
Langley, Jane
Moore, Benjamin
Packard, Sherman
Priestley, Anne
Sanders, Elisabeth
Weare, E Albert

Bishop, Franklin
Casey, Kimberley
Dowd, John
Gillick, Thomas
Johnson, Robert
Lund, Howie
Morris, Richard
Pantelakos, Laura
Rausch, James
Scamman, Stella
Welch, David

STRAFFORD

Albert, Russell
Brown, Julie
Domingo, Baldwin
Hilliard, Dana
Kaen, Naida
Newton, Clifford
Spang, Judith

Berube, Roger
Brown, Lawrence
Dunlap, Patricia
Hofemann, Roland
Keans, Sandra
Rollo, Michael
Taylor, Kathleen

Bickford, David
Cilley, Jacalyn
Goodwin, Earle
Hollinger, Jeffrey
Knowles, William
Rous, Emma
Twombly, James

Brown, Jennifer
Creteau, Irene
Grassie, Anne
Johnson, Nancy
Miller, Joseph
Schmidt, Peter
Wall, Janet

SULLIVAN

Cloutier, John
Houde-Quimby, Charlotte
Rodeschin, Beverly
and floor amendment (2414h) failed.

Converse, Larry
Jillette, Arthur Jr

Ferland, Brenda
Phinizy, James

Franklin, Peter
Prichard, Stephen

The question now being adoption of the Rules of the Special Session.
Rep. O'Brien spoke in favor.
Rules of the Special Session were adopted.

SENATE MESSAGE

Mr. Speaker:

The Senate, pursuant to a call from the Secretary of State, has assembled and is now ready to proceed with the business of the special session.

SENATE MESSAGE

Mr. Speaker:

The Senate has passed the Special Session Bill with the following title, in the passage of which it asks the concurrence of the House of Representatives.

Special Session SB1, relative to preparation of 2006 state general election ballots.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED** that in accordance with the list in the possession of the Clerk, Senate Bill 1 shall be by this resolution read a first and second time by the therein listed title. Adopted.

INTRODUCTION OF SENATE BILL**First, second reading**

SB 1, relative to preparation of 2006 state general election ballots.

CONSIDERATION OF SENATE BILL

SB 1, relative to preparation of 2006 state general election ballots.

MOTION TO LAY ON THE TABLE

Rep. Vaillancourt moved that *SB 1*, relative to preparation of 2006 state general election ballots, be laid on the table.

Motion failed.

Rep. O'Neil moved Ought to Pass.

Rep. Chandler offered floor amendment (2421h).

Floor Amendment (2421h)

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-3 to read as 2-4, respectively:

I. Purpose. All power of government is derived from the people, Article 1, Part First of the Constitution of New Hampshire, Bill of Rights. The people have given to the legislative branch of their government only, in Article 29, Part First, the sole power of suspending the laws. Therefore, it is the legislative intent of this bill for the general court to restate and reassert its constitutional authority with regard to state elections.

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. In preparing ballots for the 2006 state general election for any town or ward where there is more than one candidate in a party column for any office, the names of the candidates for that office in the party column shall be listed according to the surnames of the candidates. The names of the candidates shall be printed with the given name first. The secretary of state shall hold a public drawing in the secretary of state's office to pick randomly one letter of the alphabet for that election year. The candidates shall be listed alphabetically according to their surnames within each party column. The letter picked for that election year shall be treated as the first letter of the alphabet, and alphabetization shall follow from that letter forward to the letter immediately preceding the letter picked. For example, if the letter "t" is picked, alphabetization shall proceed from "t" to "z," and then from "a" to "s." Should more than one candidate's surname begin with the same letter, the first letter in the surnames which is different shall be the letter to determine placement of the names on the ballot.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

II. Section 3 of this act shall take effect December 31, 2006.

II. The remainder of this act shall take effect upon its passage.

Rep. O'Neil spoke in favor.

(Rep. Francoeur in the Chair)

Rep. Vaillancourt spoke against and yielded to questions.

(Speaker Scamman in the Chair)

Rep. Chandler spoke in favor.

Rep. Whalley yielded to questions.

Rep. Hess spoke in favor and yielded to questions.

Rep. David Campbell moved floor amendment (2421h) be divided and spoke to the motion.

The Speaker ruled that the amendment was divisible and so ordered.

The question now being adoption of Section 1 (lines 1-8) of floor amendment (2421h).

Rep. Balboni spoke in favor.

Rep. Soltani requested a roll call; sufficiently seconded.

YEAS 193 NAYS 140**YEAS 193****BELKNAP**

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Heald, Bruce	Nedeau, Stephen	Pilliod, James
Rosen, Ralph	Russell, David	Thomas, John	Tilton, Franklin
Tobin, William	Veazey, John	Wendelboe, Fran	Whalley, Michael

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	McConkey, Mark	Morrow, Harry	Patten, Betsey
Philbrick, Donald	Stevens, Stanley		

CHESHIRE

Dexter, Judson	Emerson, Susan	Foote, Sheila	Hogancamp, Deborah
Hunt, John	Pelkey, Stephen	Sawyer, Sheldon	

COOS

King, Frederick	Lary, Bruce	Stohl, Eric	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbretson, Paul
Maybeck, Margie	Mirski, Paul	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Barry, J Gail	Batula, Peter
Bergeron, Jean-Guy	Bergin, Peter	Biundo, Michael	Boehm, Ralph
Brassard, Paul	Brundige, Robert	Calawa, Leon Jr	Carew, James
Carter, Mark	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Francoeur, Bea	Gargaszy, Carolyn	Golding, William	Gonzalez, Carlos
Goyette, Peter Jr	Graham, John	Hagan, Barbara	Hansen, Ryan
Hawkins, Ken	Hebert, Raymond	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Hunter, Bruce	Jasper, Shawn	Kurk, Neal
L'Heureux, Robert	Lawrence, James	Lessard, Rudy	Manney, Pamela
McRae, Karen	Mead, Robert	Messier, Irene	Mooney, Maureen
O'Brien, William	O'Connell, Timothy	Ober, Lynne	Price, Pamela
Renzullo, Andrew	Rowe, Robert	Ryder, Donald	Scanlon, Michael
Shattuck, Gilman	Stepanek, Stephen	Ulery, Jordan	Velez, Hector
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Danforth, James	Field, William	Hager, Elizabeth
Hess, David	Kennedy, Richard	Kidder, David	Klose, John
Langlais, Thomas	Lockwood, Priscilla	Mackay, James	Marple, Richard
Maxfield, Roy	Oliver, James	Reed, Dennis	Soltani, Tony
Whiting, Herbert			

ROCKINGHAM

Allen, Mary	Belanger, Ronald	Bettencourt, David	Bishop, Franklin
Bridle, Russell	Camm, Kevin	Carson, Sharon	Charron, Gene
Coburn, James	Cooney, Richard	Dowd, John	Dowling, Patricia
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gillick, Thomas	Griffin, Mary
Headd, James	Hopfgarten, Paul	Hughes, Daniel	Hutchinson, Karen
Introne, Robert	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Lund, Howie	Major, Norman	Mason, April
McKinney, Betsy	McMahon, Charles	Moore, Benjamin	Morris, Richard
Nowe, Ronald	O'Neil, Michael	Packard, Sherman	Palazzo, Frank
Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew	Rausch, James
Sanders, Elisabeth	Stiles, Nancy	Stone, Joseph	Waterhouse, Kevin
Weare, E Albert	Welch, David	Wells, Roger	Weyler, Kenneth
Winchell, George	Zolla, William		

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Hollinger, Jeffrey	Newton, Clifford	Twombly, James

SULLIVAN

Gale, Harry	Rodeschin, Beverly
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NAYS 140**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas	Knox, J David	Martin, James	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Espiefs, Peter	Mitchell, Bonnie
Pratt, John	Richardson, Barbara	Roberts, Kris	Robertson, Timothy
Tilton, Anna	Weed, Charles		

COOS

Buzzell, Bernard	Merrick, Scott	Richardson, Herbert	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	McLeod, Martha	Mulholland, Catherine	Nordgren, Sharon
Sokol, Hilda			

HILLSBOROUGH

Baroody, Benjamin	Beaulieu, Jane	Campbell, David	Chase, Claudia
Clemons, Jane	Cote, David	Cote, Peter	Craig, James
DeVries, Betsi	Egbers, Fran	Essex, David	Foster, Linda
Garrity, Patrick	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haley, Robert	Hall, Betty	Harvey, Suzanne	Holden, Randolph
Irwin, Anne-Marie	Jean, Claudette	Judy, Jean	Johnson, Paula
Lasky, Bette	Matarazzo, Anthony Sr	Michon, Stephen	Movsesian, Lori
Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy	Schulze, Joan
Shaw, Barbara	Shaw, Kimberly	Smith, David	Sullivan, Francis
Sullivan, Peter	Vaillancourt, Steve		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Brueggemann, Donald	Clarke, Claire
DeJoie, John	DeStefano, Stephen	French, Barbara	Gile, Mary
Greco, Vincent	Hamm, Christine	McMahon, Patricia	Owen, Derek
Potter, Frances	Reardon, Tara	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Williams, Robert	Yeaton, Charles	

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Brown, C. Pennington	Cali-Pitts, Jacqueline
Casey, Kimberley	DiFruscia, Anthony	Flockhart, Eileen	Gould, Kenneth
Langley, Jane	Moody, Marcia	Norelli, Terie	Pantelakos, Laura
Powers, James	Robinson, John	Scamman, Stella	Splaine, James

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Goodwin, Earle	Grassie, Anne	Hilliard, Dana
Hofemann, Roland	Kaen, Naida	Keans, Sandra	Knowles, William
Miller, Joseph	Rollo, Michael	Rous, Emma	Schmidt, Peter
Spang, Judith	Taylor, Kathleen	Wall, Janet	

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizy, James	Prichard, Stephen

and Section I of floor amendment (2421h) was adopted.

The question now being adoption of the remainder of floor amendment (2421h).

Rep. Phinizy spoke against.

Rep. O'Neil spoke in favor.

The remainder of floor amendment (2421h) was adopted.

Rep. Field offered floor amendment (2418h).

Floor Amendment (2418h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to preparation of 2006 state general election ballots and relative to constitutionality of law.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Section; Statutory Construction; Constitutionality of Law. Amend RSA 21 by inserting after section 50 the following new section:

21:51 Constitutionality of Law. As there is no specific delegation of authority on the constitutionality of a law in the New Hampshire constitution, be it hereby established that the elected general court shall be the sole determinant of the constitutionality of law.

AMENDED ANALYSIS

This bill establishes a procedure for the placement of party columns and ordering of candidate names for the 2006 state general election ballots and declares authority of the general court to determine constitutionality of law.

Rep. Field spoke in favor.

Rep. Pratt inquired if floor amendment (2418h) was germane.

The Speaker ruled the amendment non germane.

Rep. Field withdrew floor amendment (2418h).

Rep. DiFruscia offered floor amendment (2416h).

Floor Amendment (2416h)

Amend section 1 of the bill by inserting after paragraph II the following new paragraph:

III. If the alphabetization procedure established in paragraph II of this section is held to be unconstitutional, the secretary of state shall either rotate the names of candidates for each office or randomly select the order of candidates for each office on the 2006 general election ballot. Rep. DiFruscia spoke in favor and yielded to questions.
Rep. Sorg spoke against and yielded to questions.
Floor amendment (2416h) failed.

The question now being adoption of the motion of Ought to Pass as amended.
Rep. Hopfgarten spoke against.
Rep. Dumaine requested a roll call; sufficiently seconded.

YEAS 194 NAYS 133

YEAS 194

BELKNAP

Allen, Janet	Boyce, Laurie	Clark, Charles	Fitzgerald, James
Flanders, Donald	Nedeau, Stephen	Pilliod, James	Rosen, Ralph
Thomas, John	Tilton, Franklin	Tobin, William	Veazey, John
Wendelboe, Fran	Whalley, Michael		

CARROLL

Ahlgren, Christopher	Babson, David Jr	Brown, Carolyn	Chandler, Gene
Dickinson, Howard	Knox, J David	Martin, James	McConkey, Mark
Merrow, Harry	Patten, Betsey	Philbrick, Donald	Stevens, Stanley

CHESHIRE

Dexter, Judson	Emerson, Susan	Espiefs, Peter	Footte, Sheila
Hogancamp, Deborah	Hunt, John	Pelkey, Stephen	Roberts, Kris
Robertson, Timothy	Sawyer, Sheldon		

COOS

King, Frederick	Lary, Bruce	Stohl, Eric	Tholl, John Jr
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GRAFTON

Eaton, Stephanie	Gionet, Edmond	Giuda, Robert	Ingbreton, Paul
Mirski, Paul	Sokol, Hilda	Sorg, Gregory	Williams, Burton

HILLSBOROUGH

Adams, Jarvis IV	Balboni, Michael	Batula, Peter	Bergeron, Jean-Guy
Bergin, Peter	Biundo, Michael	Boehm, Ralph	Calawa, Leon Jr
Carew, James	Christensen, D L Chris	Christiansen, Lars	Clark, Mark
Coughlin, Pamela	Crane, Elenore Casey	Desmarais, Vivian	Dokmo, Cynthia
Drisko, Richard	Dyer, Donald	Elliott, Nancy	Emerton, Larry
Essex, David	Francoeur, Bea	Gargas, Carolyn	Golding, William
Gonzalez, Carlos	Goyette, Peter Jr	Graham, John	Hagan, Barbara
Hansen, Ryan	Hawkins, Ken	Hellwig, Steve	Hinkle, Peyton
Hirschmann, Keith	Hunter, Bruce	Kurk, Neal	L'Heureux, Robert
Lawrence, James	Lessard, Rudy	Manney, Pamela	McRae, Karen
Mead, Robert	Messier, Irene	O'Brien, William	O'Connell, Timothy
Ober, Lynne	Pepino, Leo	Price, Pamela	Renzullo, Andrew
Rowe, Robert	Ryder, Donald	Scanlon, Michael	Shattuck, Gilman
Stepanek, Stephen	Sullivan, Francis	Ulery, Jordan	Velez, Hector
Villeneuve, Maurice	Wheeler, James	Wheeler, Robert	

MERRIMACK

Anderson, Eric	Brueggemann, Donald	Hager, Elizabeth	Hess, David
Kennedy, Richard	Kidder, David	Klose, John	Langlais, Thomas
Lockwood, Priscilla	MacKay, James	Marple, Richard	Oliver, James
Reardon, Tara	Reed, Dennis	Soltani, Tony	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Allen, Mary	Belanger, Ronald	Bettencourt, David
Bishop, Franklin	Bridle, Russell	Camm, Kevin	Carson, Sharon
Charron, Gene	Coburn, James	Cooney, Richard	Dowd, John
Dumaine, Dudley	Fesh, Bob	Flanders, John Sr	Forsing, Robert
Francoeur, Sheila	Garrity, James	Gillick, Thomas	Griffin, Mary
Headd, James	Hutchinson, Karen	Introne, Robert	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Lund, Howie
Major, Norman	Mason, April	McKinney, Betsy	McMahon, Charles
Morris, Richard	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Palazzo, Frank	Priestley, Anne	Quandt, Marshall Lee	Quandt, Matthew
Rausch, James	Robinson, John	Sanders, Elisabeth	Scamman, Stella
Stiles, Nancy	Waterhouse, Kevin	Weare, E Albert	Welch, David
Wells, Roger	Weyler, Kenneth	Winchell, George	Zolla, William

STRAFFORD

Albert, Russell	Berube, Roger	Bickford, David	Brown, Julie
Campbell, W Packy	Cataldo, Sam	Chaplin, Duncan	Dunlap, Patricia
Easson, Timothy	Hollinger, Jeffrey	Kaen, Naida	Keans, Sandra
Knowles, William	Newton, Clifford	Rollo, Michael	Twombly, James

SULLIVAN

Gale, Harry	Prichard, Stephen	Rodeschin, Beverly
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NAYS 133**BELKNAP**

Morrison, Gail

CARROLL

Buco, Thomas	Olimpio, J Lisbeth
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CHESHIRE

Allen, Peter	Butcher, Suzanne	Butynski, William	Chase, William
Dunn, J Timothy	Eaton, Daniel	Mitchell, Bonnie	Pratt, John
Richardson, Barbara	Tilton, Anna	Weed, Charles	

COOS

Buzzell, Bernard	Merrick, Scott	Richardson, Herbert	Theberge, Robert
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GRAFTON

Aguiar, James	Almy, Susan	Andersen, Gene	Benn, Bernard
Bleyler, Ruth	Cooney, Mary	Ham, Bonnie	Hammond, Lee
Harding, A Laurie	Maybeck, Margie	McLeod, Martha	Mulholland, Catherine
Nordgren, Sharon			

HILLSBOROUGH

Baroody, Benjamin	Barry, J Gail	Beaulieu, Jane	Brassard, Paul
Brundige, Robert	Campbell, David	Chase, Claudia	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	DeVries, Betsi
Egbers, Fran	Foster, Linda	Garrity, Patrick	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haley, Robert	Hall, Betty
Harvey, Suzanne	Hebert, Raymond	Holden, Randolph	Irwin, Anne-Marie
Jasper, Shawn	Jean, Claudette	Judy, Jean	Johnson, Paula
Lasky, Bette	Martin, Mary Ellen	Michon, Stephen	Mooney, Maureen
Movsesian, Lori	Pappas, Christopher	Pilotte, Maurice	Rosenwald, Cindy
Schulze, Joan	Shaw, Barbara	Shaw, Kimberly	Smith, David
Sullivan, Peter	Vaillancourt, Steve		

MERRIMACK

Blanchard, Elizabeth	Bouchard, Candace	Clarke, Claire	Danforth, James
DeJoie, John	DeStefano, Stephen	Field, William	French, Barbara
Gile, Mary	Greco, Vincent	Hamm, Christine	Maxfield, Roy
McMahon, Patricia	Potter, Frances	Rush, Deanna	Ryan, Jim
Shurtleff, Stephen	Tilton, Joy	Tupper, Frank	Wallner, Mary Jane
Walz, Mary Beth	Whiting, Herbert	Williams, Robert	

ROCKINGHAM

Blanchard, MaryAnn	Brown, C. Pennington	Cali-Pitts, Jacqueline	Casey, Kimberley
DiFruscia, Anthony	Dowling, Patricia	Flockhart, Eileen	Gould, Kenneth
Hopfgarten, Paul	Hughes, Daniel	Langley, Jane	Moody, Marcia
Norelli, Terie	Powers, James	Splaine, James	Stone, Joseph

STRAFFORD

Brown, Jennifer	Brown, Lawrence	Cilley, Jacalyn	Creteau, Irene
Domingo, Baldwin	Grassie, Anne	Hilliard, Dana	Hofemann, Roland
Johnson, Nancy	Rous, Emma	Schmidt, Peter	Spang, Judith
Taylor, Kathleen	Wall, Janet		

SULLIVAN

Cloutier, John	Converse, Larry	Ferland, Brenda	Franklin, Peter
Houde-Quimby, Charlotte	Jillette, Arthur Jr	Phinizia, James	

and the motion was adopted.

Ordered to third reading.

Rep. Stone voted Nay and intended to vote Yea.

Rep. Nelson Allan did not vote and notified the Clerk that he wished to be recorded in favor.

RESOLUTION

Rep. O'Neil offered the following: **RESOLVED**, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION**Third reading and final passage**

SB 1, relative to preparation of 2006 state general election ballots.

RECESS MOTION

Rep. O'Neil moved that the House stand in recess to the Call of the Chair for the limited purpose of further consideration of Special Session SB 1.

Adopted.

The House recessed at 3:30 p.m.

RECESS**CLERK'S NOTE**

There being no motion to adjourn, pursuant to the New Hampshire State Constitution, Part II, Article 3, the 2006 Session of the House of Representatives dissolved at 12:01 on the first Wednesday in December, that date being December 6, 2006.

Attested by
Karen O. Wadsworth
Clerk of the House

CHAPTER STUDY COMMITTEES AMENDED/REPORT DATES EXTENDED BY 2006 CHAPTERS

CLASSIFICATION OF EMPLOYEES AS INDEPENDENT CONTRACTORS (HB 246, Chapter 134:1, Laws of 2005) amended by HB 1687, Chapter 252:5, Laws of 2006. Report date extended to November 30, 2006.

COMMISSION TO DEVELOP A COMPREHENSIVE STATE MENTAL HEALTH PLAN (HB 691-FN-L, Chapter 175:15, Laws of 2005) amended by HB 1687, Chapter 252:1, Laws of 2006. Report date extended to December 1, 2008.

COMMISSION TO STUDY THE RELATIONSHIP BETWEEN PUBLIC HEALTH AND THE ENVIRONMENT (HB 1390, Chapter 114:2, Laws of 2000) amended by HB 1265, Chapter 199:1, Laws of 2006. Report date extended to November 1, 2007.

COMMISSION TO STUDY THE STATE PARK SYSTEM (SB 5, Chapter 276:1, Laws of 2005) amended by HB 1324, Chapter 82:1, Laws of 2006. House member added.

DEPARTMENT OF TRANSPORTATION AND LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM PILOT PROGRAM (HB 2-FN-A, Chapter 177:61, Laws of 2005) amended by HB 1167, Chapter 279:1, Laws of 2006. Authority expanded.

GAMING OPTIONS FOR NEW HAMPSHIRE (HB 522, Chapter 211:1, Laws of 2005) amended by HB 1687, Chapter 252:3, Laws of 2006. Report date extended to June 30, 2006.

IMPLEMENTING A RECOMMENDATION OF THE NEW HAMPSHIRE ESTUARIES PROJECT MANAGEMENT PLAN (SB 70, Chapter 236:1, Laws of 2003) amended by HB 1491, Chapter 309:1, Laws of 2006. Report date extended to December 31, 2007.

LEGISLATIVE OVERSIGHT COMMITTEE ON THE PILOT PROJECT IN GRAFTON AND ROCKINGHAM COUNTY COURTS (SB 415, Chapter 221:1, Laws of 2004) amended by HB 1725, Chapter 134, Laws of 2006. Repeal date extended.

MEDICAID REIMBURSEMENT RATES FOR PHARMACY PROVIDERS (HB 697-FN, Chapter 73:1, Laws of 2005) amended by HB 1687, Chapter 252:6&7, Laws of 2006. Duty added and report date extended to November 1, 2006.

SPECIAL ACCOUNT IN THE NEW HAMPSHIRE RETIREMENT SYSTEM (HB 181, Chapter 8:1, Laws of 2005) amended by HB 1687, Chapter 252:4, Laws of 2006. Report date extended to June 30, 2006.

TASK FORCE ON DEAFNESS AND HEARING LOSS (HB 225, Chapter 117:2, Laws of 2003) amended by HB 1687, Chapter 252:2, Laws of 2006. Report date extended to November 1, 2006.

STATUTORY COMMITTEES AMENDED

ADMINISTRATIVE RULES (RSA 541-A:2) – Amended by HB 1351, Chapter 145:1, Laws of 2006.

ASSESSING STANDARDS BOARD (RSA 21-J:14-a) – Amended by HB 1206, Chapter 193:2, Laws of 2006.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND SPECIES (RSA 487:30) – Amended by HB 1317, Chapter 144:2, Laws of 2006.

DAM MANAGEMENT REVIEW (RSA 482:93) – Amended by HB 1315, Chapter 306::9, Laws of 2006. Report due on December 1, 2006 on sourcing of funding for the repair and maintenance of state dams.

EDUCATION OF CHILDREN WITH DISABILITIES ADVISORY (RSA 186-C:3-b) – Amended by HB 1113, Chapter 191:2, Laws of 2006.

ETHICS COMMITTEE (RSA 14-B:2) – Amended by SB 206, Chapter 21:5 and 21:6, Laws of 2006.

FISCAL COMMITTEE (RSA 14:30-a) – Amended by HB 1697, Chapter 290:21, Laws of 2006.

GUARDIANS AD LITEM BOARD (RSA 490-C:1) – Amended by SB 382, Chapter 223:1, Laws of 2006.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE, (RSA 126-A:13) – Amended by SB 349, Chapter 46:1, Laws of 2006.

JOINT LEGISLATIVE FACILITIES COMMITTEE (RSA 17-E:2) – Amended by HB 1357, Chapter 146:1, Laws of 2006.

NEW HAMPSHIRE LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4) – Amended by HB 1167, Chapter 279:2, Laws of 2006.

RETIREMENT SYSTEM ADMINISTRATION (RSA 100-A:14) – Amended by HB 1633-FN, Chapter 178:4, Laws of 2006.

VOLUNTEER NH (RSA 19-H) – Amended by HB 1185, Chapter 55:1, Laws of 2006.

STATUTORY COMMITTEE REPEALED

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2). Repealed and re-enacted by SB 289-FN, Chapter 184:1, Laws of 2006.

CHILDREN'S TRUST FUND BOARD (RSA 169-C:39-d) – Rulemaking authority of the New Hampshire children's trust fund and board, is repealed by SB 396, Chapter 48:1, Laws of 2006.

2006 CHAPTER STUDIES

HB 203-FN (Chapter 165:1, Laws of 2006) – COMMISSION ON THE USE OF RADIO FREQUENCY TECHNOLOGY.

Reps. Sam A. Cataldo (Science), Stephen B. Stepanek (Commerce) and James G. Phinizy (Environment and Agriculture), appointed by the Speaker of the House of Representatives.

Sens. Joseph D. Kenney and Maggie Wood Hassan, appointed by the President of the Senate.

Michael Ward, Portsmouth + one other, members of the public, appointed by the Governor.

Richard Head, designee of the Attorney General.

Rick Lough, Bedford, appointed by the New Hampshire High Technology Council.

Richard Varn, Des Moines, appointed by the Retail Merchants Association of New Hampshire.

Ken Erikson, Nashua, appointed by the Business and Industry Association of New Hampshire.

James M. Demers, Concord, President, New England Financial Services Association.

Katherine Albrecht, Nashua, member representing consumer or privacy interests, appointed by the Governor.

Gregory Scholz, Keene, member representing the University System of New Hampshire, appointed by the Governor.

Robert Pernice, Carlisle, expert in radio frequency technology, appointed by the Speaker of the House of Representatives.

Colonel Fred Booth, representing a New Hampshire state agency that is using radio frequency technology, appointed by the President of the Senate.

One member representing the New Hampshire Grocers Association, appointed by such association.

Elizabeth Board, Washington, DC, member representing an organization developing standards for use of electronic product code technologies, appointed by the Governor.

HB 385 (Chapter 188:1, Laws of 2006) – COMMISSION TO STUDY CERTAIN ISSUES RELATED TO HEALTH AND HUMAN SERVICES.

Sens. Andre A. Martel (Health), Iris W. Estabrook and John T. Gallus, appointed by the President of the Senate.

Reps. James R. MacKay (Health), Carolyn A. Brown, Cindy Rosenwald and Barbara C. French, appointed by the Speaker of the House of Representatives.

Dr. Clint Koenig, designee of the Commissioner of the Department of Health and Human Services.

Jane Young, designee of the Attorney General.

The Governor, or designee.

HB 649-FN-A-L (Chapter 40:1, Laws of 2006) – COMMISSION TO STUDY COSTS AND FUNDING OF MEDICOLEGAL INVESTIGATIONS AND AUTOPSIES.

Reps. Joseph E. Stone (Finance), Russell F. Ingram (Finance), Peyton B. Hinkle (Ways and Means), Peter E. Franklin (Finance) and Jessie L. Osborne (Municipal), appointed by the Speaker of the House of Representatives.

Sens. Bob Odell, Lou D'Allesandro and Thomas R. Eaton, appointed by the President of the Senate.
Ann Rice, designee of the Attorney General.

The Chairperson of the Board of Registration of Funeral Directors and Embalmers, or designee.
The Director of Vital Records Administration, or designee.

Kim K. Fallon, Assistant Deputy Medical Examiner, appointed by the Governor.

Marguerite L. Wageling, Manchester, a representative of county government, appointed by the New Hampshire Association of Counties.

Robert A. Lambert, Peterborough, representative of city and town clerks, appointed by the New Hampshire City and Town Clerks' Association.

Clinton Crumb, Concord, representative of the cremation industry, appointed by the Governor.
The State Chief Medical Examiner, or designee.

HB 1146 (Chapter 257:1, Laws of 2006) – STATE ENERGY POLICY COMMISSION.

Sens. Peter E. Bragdon and Maggie Wood Hassan, appointed by the President of the Senate.

Reps. Lawrence C. Ross, James M. Garrity, Ryan N. Hansen and Jacqueline Cali-Pitts, appointed by the Speaker of the House of Representatives.

Dr. Thomas H. Kelley, Durham and Harold T. Judd, Concord, appointed by the Governor.

Amy Ignatius, Director of the Office of Energy and Planning.

Thomas B. Getz, appointed by the Public Utilities Commission.

F. Anne Ross, the Consumer Advocate. Alternate Kenneth E. Traum.

Robert Scott, designee of the Commissioner of Environmental Services.

HB 1214 (Chapter 170:1, Laws of 2006) – COMMITTEE TO STUDY CERTAIN EDUCATIONAL AND SOCIAL SERVICES ISSUES.

Sens. Peter E. Bragdon and Iris W. Estabrook, appointed by the President of the Senate.

Reps. Nancy F. Stiles, Deborah J. Hogancamp and Mary Stuart Gile, appointed by the Speaker of the House of Representatives.

HB 1351 (Chapter 145:10, Laws of 2006) – JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES IMPROVEMENT AND PROCESS STUDY.

Reps. Betsey L. Patten (Administrative Rules), Nelson S. Allan (Legislative Administration), Alida I. Millham (Executive Departments and Administration), Neal M. Kurk (Alternate) and Michael S. Rollo (Alternate), appointed by the Speaker of the House of Representatives.

Sens. Robert E. Clegg, Jr., Robert J. Letourneau, Martha Fuller Clark, Robert B. Flanders (Alternate) and Lou D'Allesandro (Alternate), appointed by the President of the Senate.

HB 1373 (Chapter 261:1, Laws of 2006) – COMMISSION TO STUDY THE PROPER RECYCLING AND DISPOSAL OF GREASE TRAP WASTES AND TO DEVELOP ADDITIONAL DISPOSAL CAPACITY.

Reps. Burton W. Williams and Donald R. Philbrick, appointed by the Speaker of the House of Representatives.

Sen. Carl R. Johnson, appointed by the President of the Senate.

Patricia Hannon and Raymond Gordon, appointed by the Commissioner of the Department of Environmental Services.

Darlene Johnson, Loudon and Joe Delahunty, Fremont, appointed by the New Hampshire Association of Septage Haulers.

Two members of the hospitality industry, appointed by the New Hampshire Lodging and Restaurant Association.

Two members of the wastewater treatment industry, appointed by the New Hampshire Water Pollution Control Association.

Two members with expertise in biodiesel research from the University of New Hampshire, appointed by the University President.

HB 1435 (Chapter 230:3, Laws of 2006) – COMMISSION TO STUDY THE EVACUATION AND HOUSING OF ANIMALS DURING AN EMERGENCY.

Reps. James B. Rausch, Elenore Casey Crane and James G. Phinizy, appointed by the Speaker of the House of Representatives.

Sens. Sheila Roberge, John S. Barnes, Jr. and Iris W. Estabrook, appointed by the President of the Senate.

One member of the New Hampshire Humane Society, appointed by such organization.
 Joanne Bourbeau, Jacksonville, Vermont, appointed by the Humane Society of the United States.
 Tiffany Mahaffey, Missouri, appointed by the American Society for the Prevention of Cruelty to Animals.

Kathryn Douth, Assistant Director, Department of Safety, Division of Emergency Services, Communications, and Management, appointed by the Commissioner of the Department of Safety.

Clifford McGinnis, DVM, Pembroke, designee of the Commissioner of the Department of Agriculture, Markets, and Food.

Dr. Stephen Crawford, the State Veterinarian.

One member from the Concord Area Chapter of the American Red Cross, appointed by such organization.

Dr. David Stowe, Laconia, appointed by of the New Hampshire Veterinary Medical Association.

HB 1461 (Chapter 247:1, Laws of 2006) – TASK FORCE TO STUDY THE CASH ASSISTANCE PROVIDED TO NEEDY FAMILIES UNDER THE STATE TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) PROGRAM.

The Governor, or designee.

Sens. John S. Barnes, Jr., Andre A. Martel and Martha Fuller Clark, appointed by the President of the Senate.

Reps. James R. MacKay (Health), Neal M. Kurk (Finance) and Joan H. Schulze, appointed by the Speaker of the House of Representatives.

Alyssa Pockell, designee of the Commissioner of Health and Human Services.

Terry R. Smith, Director of the Division of Family Services.

Katie Clark, Hooksett and Susan Dustin, Hopkinton, public members, one of whom has direct experience with low income family life, appointed by the Governor.

A parent currently enrolled in the TANF program in New Hampshire, appointed by the Governor.

Dean Christon, Manchester, designee of the Director of the New Hampshire Housing Finance Authority.

Sylvia Gale, Nashua, designee of the Director of the Commission on the Status of Women.

Jack Lightfoot, Chair of the Family Assistance Advisory Council.

The Chair of the New Hampshire Local Welfare Administrators Association, or a designee.

One member from the New Hampshire Child Advocacy Network, appointed by that organization.

Maureen A. Beauregard, Manchester, appointed by Families in Transition-NH.

A child care professional, appointed by the Governor.

Chris Jones, Concord, designee of the Commissioner of the Department of Employment Security.

Leslie Haslam, Exeter, professional in the field of adult education, appointed by the Governor.

Marcy Hoik, Concord, appointed by the Governor's Commission on Disability.

A representative of the Community Action Program, appointed by that organization.

HB 1464 (Chapter 284:5, Laws of 2006) – TASK FORCE TO FACILITATE A COORDINATED LOCAL, REGIONAL, AND STATE RESPONSE TO ARBOVIRUSES IN NEW HAMPSHIRE.

Sens. Andre A. Martel and Maggie Wood Hassan, appointed by the President of the Senate.

Reps. April H. Mason and Mary J. Gorman, appointed by the Speaker of the House of Representatives.

Dr. Jason Stull, the State Epidemiologist.

Dr. Stephen Crawford, the State Veterinarian.

The Commissioner of the Department of Health and Human Services, or designee.

Dr. Joseph J. Moore, designee of the Commissioner of the Department of Agriculture, Markets, and Food.

The Commissioner of the Department of Resources and Economic Development, or designee.

The Executive Director of the Fish and Game Department, or designee.

Timothy Drew, designee of the Commissioner of the Department of Environmental Services.

Paul Bonaparte-Krogh, Durham, representative from county government, appointed by the Governor.

John Burger, Durham, entomologist from the University of New Hampshire, appointed by the Governor.

Stefanie Johnstone, Kensington, Bob Donovan, Newton + one other locally-elected officials from towns or cities where arbovirus has been detected in animals or humans, at least one of whom shall be a public health officer, appointed by the Governor.

Robert Goodrich, Stratham +one other, each a landowner, one of whom shall be nominated by the New Hampshire Farm Bureau Federation, appointed by the Governor.

Two members at-large, appointed by the Commissioner of the Department of Health and Human Services.

HB 1474-FN (Chapter 308:3, Laws of 2006) – COMMISSION TO STUDY THE FEASIBILITY OF MERGING THE DEPARTMENT OF EMPLOYMENT SECURITY WITH THE DEPARTMENT OF LABOR.

Sens. Theodore L. Gatsas and Robert E. Clegg, Jr., appointed by the President of the Senate.

Reps. William J. Infantine and Hector M. Velez, appointed by the Speaker of the House of Representatives.

HB 1491 (Chapter 309:3, Laws of 2006) – COMMISSION TO STUDY PUBLICLY OWNED TREATMENT PLANT NEEDS AND STATE LABORATORY WATER TESTS AND FEES COLLECTED BY THE DEPARTMENT OF ENVIRONMENTAL SERVICES.

Reps. Lynne M. Ober (Science), Susan W. Almy and James F. Powers (Environment), appointed by the Speaker of the House of Representatives.

Sens. Richard P. Greene, Maggie Wood Hassan and Carl R. Johnson (Environment), appointed by the President of the Senate.

George Neill and Patricia Bickford, appointed by the Commissioner of Environmental Services.

Philip H. Bilodeau, Concord, appointed by the New Hampshire Municipal Association.

Two academic representatives from the University of New Hampshire at Durham with expertise in wastewater treatment, appointed by the University.

Jack Ruderman, Concord, representative from the Office of Energy and Planning, appointed by the Governor.

Two representatives from publicly owned treatment facilities/works, appointed by the New Hampshire Water Pollution Control Association.

HB 1672 (Chapter 289:3, Laws of 2006) – TASK FORCE RELATIVE TO CENTRAL REGISTRIES.

Reps. Susan Emerson and Paul C. Ingbretonson, appointed by the Speaker of the House of Representatives.

Sens. Robert J. Letourneau and Lou D'Allesandro, appointed by the President of the Senate.

The Commissioner of the Department of Health and Human Services and a member appointed by the Commissioner of the Department of Health and Human Services, or 2 designees.

Don Rabun, Long-Term Care Ombudsman, Department of Health and Human Services.

The Commissioner of the Department of Education, or designee.

Ann Lamey, designee of the Attorney General.

Richard Cohen, Concord, appointed by the Disabilities Rights Center.

Laurel O'Connor, Manchester, appointed by the New Hampshire Legal Assistance.

Dennis Powers, Concord, appointed by the Community Support Network Inc. of New Hampshire.

A representative of the New Hampshire Community Behavioral Health Association, appointed by the association.

Jill Burke, Concord, appointed by Granite State Independent Living Foundation.

A representative of the Child Care Advisory Council, appointed by such Council.

A representative of a licensed child day care agency, appointed by the Commissioner of the Department of Health and Human Services.

Two parents of children attending a licensed child day care agency, appointed by the Commissioner of the Department of Health and Human Services.

HB 1692 (Chapter 327:26, Laws of 2006) – COMMITTEE TO IDENTIFY AND EVALUATE CLASSIFICATION AND RISK ASSESSMENT PROCEDURES FOR CONVICTED SEX OFFENDERS AND OFFENDERS AGAINST CHILDREN.

Reps. Cynthia J. Dokmo (Judiciary), Stanley E. Stevens, Gene P. Charron (Criminal Justice) and Lee M. Hammond (Criminal Justice), appointed by the Speaker of the House of Representatives.

Sens. Sheila Roberge and Joseph A. Foster, appointed by the President of the Senate.

HB 1744 (Chapter 311:16, Laws of 2006) – GAMES OF CHANCE STUDY COMMISSION.

Reps. Shawn N. Jasper (Ways and Means), James M. Fitzgerald (Executive Departments) and Francis B. Sullivan (Executive Departments), appointed by the Speaker of the House of Representatives.

Sen. John S. Barnes, Jr., appointed by the President of the Senate.

Timothy J. Connors, Portsmouth, Chairman of the Pari-Mutuel Commission. Alternate: Warren W. Leary, Jr., Alton.

Paul M. Kelly, Executive Director of the Pari-Mutuel Commission.

Richard Bouley, Concord, member from the gaming industry who represents companies presently involved in games of chance appointed by the Chairman of the Pari-Mutuel Commission.

Two persons representing the charities who are currently involved in the operation of games of chance, appointed by the Attorney General.

One member of the New Hampshire Police Chief's Association who has experience with games of chance held in his or her community, appointed by the association.

One representative of the Department of Justice, appointed by the Attorney General.

HB 1767-FN-A (Chapter 256:4, Laws of 2006) – COMMISSION TO DETERMINE THE APPROPRIATE PUBLIC USE OF FLOOD-DAMAGED PROPERTY PURCHASED BY THE STATE.

Reps. Daniel A. Eaton, Deborah J. Hogancamp and James G. Phinizy, appointed by the Speaker of the House of Representatives.

Sen. John T. Gallus, appointed by the President of the Senate.

Matthew Saxton, designee of the Alstead Board of Selectmen; John Revilla, appointed by Langdon Board of Selectmen. Charles Miller, Walpole Board of Selectmen.

One member appointed by the Governor.

The Commissioner of the Department of Transportation, or designee.

HB 2006 (Chapter 240:11, Laws of 2006) – COMMITTEE TO REVIEW THE 10-YEAR TRANSPORTATION IMPROVEMENT PLAN PROCEDURE.

Sens. Robert E. Clegg, Jr., Robert J. Letourneau and David Gottesman, appointed by the President of the Senate.

Reps. John A. Graham, Pamela V. Manney and David B. Campbell, appointed by the Speaker of the House of Representatives.

SB 190 (Chapter 210:1, Laws of 2006) – COMMITTEE TO STUDY AFFORDABLE HOUSING IN NEW HAMPSHIRE.

Sens. Andre A. Martel, Sylvia B. Larsen and Peter H. Burling, appointed by the President of the Senate.

Reps. Harry S. Gale (Municipal), Stella Scamman and Stephen T. DeStefano, appointed by the Speaker of the House of Representatives.

SB 255 (Chapter 121:1, Laws of 2006) – COMMITTEE TO STUDY FUNDING NECESSARY TO OPERATE THE HAZARDOUS MATERIALS PROGRAM IN NEW HAMPSHIRE.

Sens. Carl R. Johnson and Maggie Wood Hassan, appointed by the President of the Senate.

Reps. Sam A. Cataldo, Burton W. Williams and Christine C. Hamm, appointed by the Speaker of the House of Representatives.

SB 319 (Chapter 221:1, Laws of 2006) – TASK FORCE TO STUDY COUNTY GOVERNMENT.

Sens. Robert E. Clegg, Jr. and Peter H. Burling, appointed by the President of the Senate.

Reps. Frederick W. King, Betsey L. Patten, Eric G. Stohl and John M. Pratt, appointed by the Speaker of the House of Representatives.

Ten members of the House of Representatives, each representing a different county, appointed by the Chairpersons of the respective County Delegations.

Two County Commissioners, appointed by the New Hampshire Association of Counties.

One mayor of a city and one selectmen of a town, appointed by the New Hampshire Municipal Association.

One sheriff, appointed by the New Hampshire Sheriff's Association.

The Commissioner of the Department of Revenue Administration, or designee.

The Commissioner of the Department of Health and Human Services, or designee.

The Commissioner of the Department of Corrections, or designee.

Hon. Donnalee Lozeau + one other public member, appointed by the Governor.

SB 344 (Chapter 66:1, Laws of 2006) – STATE BENEFIT PROGRAMS FOR NATIONAL GUARD MEMBERS.

Sens. John S. Barnes, Jr., Peter H. Burling and Andre A. Martel, appointed by the President of the Senate.

Reps. James E. Twombly, Franklin C. Bishop and Barbara E. Shaw, appointed by the Speaker of the House of Representatives.

SB 389 (Chapter 183:1, Laws of 2006) – COMMITTEE TO STUDY PROGRAMS FUNDED BY THE SYSTEM BENEFITS CHARGE.

Sens. John S. Barnes, Jr., Robert E. Clegg, Jr., Sylvia B. Larsen and Peter H. Burling, appointed by the President of the Senate.

Reps. William R. Zolla, Kenneth L. Weyler, Neal M. Kurk, Daniel M. Hughes, Pamela V. Manney, Terie N. Norelli, Linda T. Foster and Anne-Marie Irwin, appointed by the Speaker of the House of Representatives.

2006 STATUTORY COMMITTEES

RSA 14:14-c (established by HB 1697-FN, Chapter 290:17, Laws of 2006) – JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION.

Sens. Robert E. Clegg, Jr. (Finance), Robert B. Flanders and Sylvia B. Larsen, appointed by the President of the Senate.

Reps. Kenneth L. Weyler (Finance), Donald F. Ryder (Executive Departments) and Anne-Marie Irwin (Executive Departments), appointed by the Speaker of the House of Representatives.

RSA 19-K (established by SB 323, Chapter 270:1, Laws of 2006) – LEGISLATIVE YOUTH ADVISORY COUNCIL.

The President of the Senate appoints the following 7 members:

Mikayla Foster, Nashua, Emily Walsh, Manchester and Kevin Preskenis, Bedford, youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

Leslie Hernandez, Manchester, + 2 other youths who are residents of this state and who are students at postsecondary education institutions located in the state.

Sen. Iris Estabrook.

The Speaker of the House of Representatives appoints the following 8 members:

Four youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

Three youths who are residents of this state and who are students at postsecondary education institutions located in the state.

One member of the House of Representatives.

The Governor appoints the following 3 members:

Two youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

One youth who is a resident of this state and who is a student at a postsecondary education institution located in the state.

The Secretary of State appoints the following 3 members:

Two youths who are students in secondary schools, who are home school students, or who are enrolled in programs that lead to a secondary school diploma, certificate of attendance, or general equivalency diploma.

One youth who is a resident of this state and who is a student at a postsecondary education institution located in the state.

RSA 21-H:14-c (established by SB 262, Chapter 269:1,III, b) – INTERAGENCY COORDINATING COUNCIL FOR WOMEN OFFENDERS.

Katja Fox, member of the Governor's office, appointed by the Governor.

Sen. Sheila Roberge, appointed by the President of the Senate.

Rep. Gene P. Charron, appointed by the Speaker of the House of Representatives.

The Executive Councilor representing District 5/Goffstown.

The Commissioner of Corrections.

The Warden of the State Prison for Women.

The Commissioner of Health and Human Services, or designee.

The Director of Division of Children, Youth, and Families, or designee.

The Attorney General, or designee.

The Chief Justice of the Superior Court, or designee.

The Chief Justice of the Supreme Court, or designee.

The Commissioner of the Department of Education, or designee with knowledge of Title IX, Carl Perkins Grants, and other federal funding sources.

One member from the Hillsborough County Government, appointed by the New Hampshire Association of Counties.

One former inmate of the State Prison for Women who is no longer under correctional supervision, appointed by the Governor.

Elizabeth Paine, Andover, representative from the New Hampshire Commission on the Status of Women, appointed by the Governor.

Grace Mattern, Director of the New Hampshire Coalition Against Domestic and Sexual Violence, appointed by the Governor.

Niki Miller, Manchester, representative from New Hampshire Task Force on Women and Addiction, appointed by the Governor.

Nancy LeBoutillier, New Boston, representative from the Citizens Advisory Committee of the New Hampshire State Prison for Women, appointed by the Governor.

Margaret Hayes, Bedford, community member with knowledge of correctional practices with particular expertise with female offenders, appointed by the Governor.

RSA 21-I:28-A (established by HB 1735, Chapter 207:3, Laws of 2006) – **LEGISLATIVE ADVISORY COMMITTEE ON THE ADMINISTRATION OF STATE EMPLOYEES PERMANENT GROUP LIFE, GROUP HOSPITALIZATION, HOSPITAL MEDICAL CARE, SURGICAL CARE AND SURGICAL INSURANCE BENEFITS.**

Reps. Russell F. Ingram (Finance), Ken Hawkins and Patricia M. McMahon, appointed by the Speaker of the House of Representatives.

Sens. Richard P. Green (Finance), and Joseph A. Foster, appointed by the President of the Senate.

RSA 137-K:2 (Repealed and re-enacted by SB 289-FN, Chapter 184:1, Laws of 2006) – **NEW HAMPSHIRE BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL.**

Two members of the Spinal Cord Injury Association, appointed by such association.

Two members of the Brain Injury Association of New Hampshire, appointed by such association.

Two members of the professional community, one of whom shall be in a neurological specialty, appointed by the Governor.

Two brain and spinal cord injury survivors, appointed by the Governor.

Two family members of victims of brain and spinal cord injuries, appointed by the Governor.

One member involved in injury prevention, appointed by the Commissioner of the Department of Health and Human Services.

Rep. Laurie J. Boyce, appointed by the Speaker of the House of Representatives.

Sen. Robert K. Boyce, appointed by the Senate President.

One vocational rehabilitation instructor, appointed by the Commissioner of the Department of Education.

One educator, appointed by the Commissioner of the Department of Education.

RSA 167:93-b (established by HB 1331 (Chapter 325:18, Laws of 2006) – **TANF Advisory Council.**

Laura Collins, designee of the Commissioner of Health and Human Services.

Doris Lachance, designee of the Commissioner of Employment Security.

The Commissioner of the Department of Resources and Economic Development, or designee.

Terry R. Smith, Director of the Division of Family Assistance, Department of Health and Human Services.

Sen. Robert E. Clegg, Jr., appointed by the Senate President.

Rep. James R. MacKay, appointed by the Speaker of the House of Representatives.

Cynthia Herman, Manchester, representative of a child advocacy organization, appointed by the Governor.

Keith Bates, Portsmouth, member of the City and Town Welfare Association, appointed by the Governor.

A resident of the state and of the lay public, having no official connection with TANF, appointed by the Governor.

RESIGNATIONS, DEATHS, SPECIAL ELECTIONS**RESIGNED**

03/09/05	Hills. 01	Elliott, Larry G., r
04/15/05	Ches. 03	Sinclair, Stephanie C., d
05/17/05	Hills. 07	Baines, Stephen A., r
08/01/05	Hills. 10	Clayton, William K., d
08/31/05	Rock. 03	Smith, Paul C., r
09/16/05	Graf. 06	Alger, John R. M., r
09/30/05	Rock. 09	Dodge, Robert K., r
01/17/06	Rock. 13	Johnson, Rogers J., r
04/27/06	Rock. 01	Bicknell, Elbert I., r
06/05/06	Rock. 07	Asselin, Michael B., r
06/15/06	Hills. 23	Rochette, Eric P., d
06/29/06	Hills. 11	Daniuk, Caitlin A., d

DEATHS

04/00/06	Graf. 06	Barker, Robert R., r
06/11/06	Hills. 06	Slocum, Lee G., r

SPECIAL ELECTIONS

3/23/05	Straf. 03	Brown, Lawrence D., d
3/23/05	Sull. 04	Osgood, Philip G., Sr., r
6/22/05	Hills. 01	Shattuck, Gilman C., d
10/04/05	Ches. 03	Coates, Christopher C., d
11/16/05	Hills. 10	Jeudy, Jean L., d
12/21/05	Graf. 06	Aguiar, James D., d
02/08/06	Rock. 03	Robinson, John E., d
02/22/06	Rock. 09	Brown, C. Pennington, d

PARTY BREAKDOWN ON THE 400 SEATS

Republicans:	219 R	24 R&D	=	242
Democrats:	136 D	14 D&R	=	150
Currently elected and qualified:			=	392
Vacancies: Resignations 6, Deaths 2			=	008
Total Seats:			=	400
Men: 269, Women: 123				

TABLE OF REFERENCES
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1	SB 392-FN-A	55	HB 1185	109	HB 1754
2	SB 393-FN-A	56	HB 1188	110	HJR 22
3	HB 1262-FN	57	HB 1217	111	HJR 25
4	HB 1248-FN	58	HB 1418-FN	112	SB 234
5	HB 1402	59	HB 1484	113	SB 254
6	HB 100	60	HB 1497-L	114	SB 260
7	HB 505	61	HB 1517-FN	115	SB 404
8	SB 175	62	HB 1579	116	HB 1155
9	SB 72	63	HB 1609-FN	117	HB 1174
10	HJR 1	64	HB 1636-FN	118	SB 370-FN
11	HB 331	65	HB 1646-FN	119	HB 1273
12	HB 1184	66	SB 344	120	HB 1634-FN
13	HB 406	67	SJR 4	121	SB 255
14	HB 1115	68	HB 1222	122	SB 265
15	HB 1283	69	HB 1362	123	SB 335
16	HB 1468-FN-L	70	HB 1498	124	SB 348
17	HB 1605-FN	71	HB 1663	125	SB 369
18	HB 1658	72	HB 1125	126	HB 689-FN
19	HB 1659	73	HB 1420	127	HB 1249-FN-A-L
20	HB 1119	74	SB 357	128	HB 1278
21	SB 206-FN	75	HB 317-FN	129	HB 1478
22	HB 581	76	HB 624-FN	130	HB 1588
23	HB 1118	77	HB 1135	131	HB 1593-FN-L
24	HB 1156	78	HB 1173	132	HB 1611-FN
25	HB 1225-FN-A	79	HB 1189	133	HB 1683-FN
26	HB 1296	80	HB 1313	134	HB 1725-FN
27	HB 1471-FN	81	HB 1227-FN	135	HB 1745-FN
28	HB 1503	82	HB 1324	136	HB 221
29	HB 1654-FN	83	HB 1356	137	HB 459
30	HB 410	84	HB 1361	138	HB 718-FN-A
31	HB 1114	85	HB 1465-FN	139	HB 1157
32	HB 1122	86	HB 1487	140	HB 1182-FN
33	HB 1152	87	HB 1584	141	HB 1191
34	HB 1226	88	HJR 21	142	HB 1201
35	HB 1370	89	SB 207-FN	143	HB 1260
36	HJR 23	90	SB 328	144	HB 1317
37	HB 334	91	SB 332	145	HB 1351
38	HB 413	92	SB 395	146	HB 1357
39	HB 544	93	HB 1111	147	HB 1419-FN
40	HB 649-FN-A-L	94	HB 391	148	HB 1436-L
41	HB 1147	95	HB 599	149	HB 1444
42	HB 1765-FN-A-L	96	HB 1108	150	HB 1521
43	SB 256	97	HB 1172	151	HB 1530
44	SB 274	98	HB 1228	152	HB 1681-FN
45	SB 296-FN	99	HB 1294	153	HB 1727-FN
46	SB 349	100	HB 1307	154	HB 1756
47	SB 379-FN	101	HB 1320	155	HB 1764
48	SB 396	102	HB 1349	156	SB 225-FN-A
49	HB 460-FN	103	HB 1394	157	SB 322
50	HB 254-FN	104	HB 1652	158	SB 308-FN-A-L
51	HB 1128-FN	105	HB 1673	159	SB 387
52	HB 1132	106	HB 1709	160	SB 400-FN
53	HB 1154-FN	107	HB 1738	161	HB 1688
54	HB 1179	108	HB 1749	162	HB 1480

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164	HB 115	220	SB 305-FN	276	HB 587
165	HB 203-FN	221	SB 319	277	HB 678-FN
166	HB 380	222	SB 341	278	HB 690-FN
167	HB 657-FN-L	223	SB 382	279	HB 1167-FN-A
168	HB 688-FN	224	SB 405	280	HB 1335
169	HB 719-FN	225	HB 653	281	HB 1407-FN-A
170	HB 1214	226	HB 1274	282	HB 1429
171	HB 1455	227	HB 1386	283	HB 1463-FN
172	HB 1657	228	HB 1424	284	HB 1464-FN-A-L
173	HB 1715	229	HB 1427	285	HB 1508
174	SB 233	230	HB 1435	286	HB 1581
175	HB 1215	231	HB 1470	287	HB 1590-FN
176	HB 1330	231	HB 1583	288	HB 1696-FN
177	HB 1536	233	HB 1612-FN	289	HB 1672-FN
178	HB 1633-FN	234	HB 1624-FN	290	HB 1697-FN
179	HB 1722-FN	235	HB 1625	291	HB 1720-FN
180	SB 24	236	HB 1648-FN	292	HB 1741-FN
181	SB 273	237	HB 1662-FN	293	HB 1747-FN
182	SB 342	238	HB 1671-FN	294	HB 1758
183	SB 389	239	HB 1718-FN	295	SB 284-FN
184	SB 289	240	HB 2006	296	SB 336
185	HB 590	241	HB 1667-FN	297	SB 358-FN
186	HB 1433	242	HB 1660-FN	298	SB 371-FN
187	HB 1452-FN	243	HB 1567	299	SB 374-FN
188	HB 385	244	SB 327	300	SB 403
189	HB 592	245	HB 716	301	HB 76
190	HB 627-FN	246	HB 1458-FN	302	HB 656-FN
191	HB 1113	247	HB 1461	303	HB 1126
192	HB 1116	248	HB 1477	304	HB 1194
193	HB 1206	249	HB 1526	305	HB 1238-FN
194	HB 1223-FN	250	HB 1546	306	HB 1315
195	HB 645-FN	251	HB 1585	307	HB 1343
196	HB 1192	252	HB 1687	308	HB 1474-FN
197	HB 1231-FN	253	HB 1763	309	HB 1491
198	HB 1241-FN-L	254	SB 282-FN-L	310	HB 1574
199	HB 1265	255	SB 178	311	HB 1744-FN-A
200	HB 1285	256	HB 1767-FN-A	312	HB 1761
201	HB 1295	257	HB 1146	313	SB 140
202	HB 1305-L	258	HB 1626-FN-A	314	SB 250
203	HB 1337	259	HB 1243-FN	315	SB 251
204	HB 1448	260	HB 298	316	SB 295-FN
205	HB 1679-FN-L	261	HB 1373	317	SB 325
206	HB 1711-FN	262	HB 1417-FN	318	SB 352-FN
207	HB 1735-FN	263	HB 1426	319	SB 359-FN
208	SB 334	264	HB 1710-FN-A	320	SB 394-FN-A
209	HB 1630-L	265	SB 200	321	HB 37-FN
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212	SB 231	268	SB 252	324	SB 287-FN
213	SB 239	269	SB 262	325	HB 1331
214	SB 246	270	SB 323	326	SB 388
215	SB 269	271	SB 391	327	HB 1692-FN
216	SB 281-FN	272	HB 1724-FN	328	HB 1346
217	SB 283-FN	273	HB 349		
218	SB 294-FN-A	274	HB 506		

2006

HOUSE JOURNAL

NUMERICAL INDEX

This index, arranged by bill and resolution numbers, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HA	House Address
HB	House Bill
HJR	House Joint Resolution
HCR	House Concurrent Resolution
HR	House Resolution
SB	Senate Bill
SJR	Senate Joint Resolution
SCR	Senate Concurrent Resolution
CACR	Constitutional Amendment Concurrent Resolution

To find a bill by its subject see the Subject Index immediately following this NUMERICAL Index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
Criminal Justice	referred to Criminal Justice and Public Safety committee
enr	enrolled
Exec Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
Finance	referred to Finance Committee
intro	introduced, introduction
IP	indefinitely postponed
K	killed (Inexpedient to Legislate)
LT	laid on the table
nonconc	nonconcurring
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, requested
ret	retained
S	Senate
SK	Senate killed (Inexpedient to Legislate)
SO	special order
study	referred to interim study committee
vac	vacate
Ways & Means	referred to Ways and Means committee
wthd	withdrawn

2006 SESSION
HOUSE ADDRESS

HA 1, for the removal of Kenneth R. McHugh, superior court justice, from office. (Marple, Merr 9; et al: Joint Committee on Address)
153, appointments 233, K 1211-1213

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2005 BILLS THE SENATE REREFERRED TO SENATE COMMITTEES

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am 79-80, psd 151, nonconc S am, conf 1059, 1227, rep adop 1262, 1263, enr am 1292, enr 1298 (Chapter 321)

HB 39, relative to sex education in public schools.
SO 233, K (3 RCs) 261-270

HB 66, regulating mandatory overtime for nurses and assistants.
S nonconc 234

HB 76, revising the process of charter school approval by the state board of education.
new title: relative to distribution of state aid to charter schools.

2nd new title: relative to distribution of state aid to charter schools; relative to establishing the 21st century scholars program and making an appropriation therefor; and relative to funding charter schools.

3rd new title: relative to distribution of state aid to charter schools and relative to funding for charter schools.
SO 233, am 270-272, psd 323, nonconc S am, conf 1221, 1234, rep adop 1262, 1263 enr am 1292, enr 1298 (Chapter 301)

HB 77-FN, relative to geographic location for small group insurance coverage.
K 36

HB 91-FN, repealing the local property tax exemption for wooden poles and conduits.
K 233

HB 92, limiting access to certain business records.
study 36

HB 100-FN-A-L, establishing an education equity index to provide state education assistance to municipalities.

new title: amending the formula for funding public education.
am 94-96, psd 151, S conc & enr 377 (Chapter 6)

HB 113, establishing a committee to study mandatory sentencing in criminal cases.
K 42

HB 115, allowing pharmacists to establish collaborative practice agreements with medical practitioners.
am 55-57, psd 151, S conc 1056, enr am 1237, enr 1244 (Chapter 164)

HB 116, relative to changes in eligibility for state programs.
SO 150, K 172

HB 119-FN, relative to commercial advertising on toll booths.
K 79

- HB 121**, relative to local land use approval for facilities requiring air pollution control permits.
new title: relative to local land use approval for facilities requiring certain pollution control permits.
am 73-74, psd 151, S nonconc 1056
- HB 139**, authorizing the establishment of a moose permit raffle by the fish and game department.
K 65
- HB 153-FN**, relative to the collection of debts owed to the state.
nonconc S am 1232
- HB 156**, relative to licensing private investigators.
K 57
- HB 159**, relative to insurance coverage for persons having deafness and hearing loss.
study 36
- HB 162**, establishing boating speed limits for Lake Winnepesaukee.
new title: relative to general rules for vessels operating on water.
SO 233, 322, debate limited, recon & am (7 RCs) 343-363, recon rej 376, psd 377, S nonconc 1010
- HB 175**, relative to divestiture of PSNH generation assets.
new title: relative to divestiture of PSNH generation assets, establishing an energy policy task force, and establishing a fund for the costs of the energy policy task force.
am 76-77, psd 151, S LT 1315
- HB 176**, relative to the provision of rental and lease information of commercial and industrial property to assessing officials.
K 74
- HB 177**, relative to home improvement contracts.
S LT 1315
- HB 184**, eliminating straight ticket voting.
K (RC) 100-103
- HB 191-FN**, relative to using school building aid for leased classrooms.
SO 150, K 172
- HB 203-FN**, relative to the use of tracking devices in consumer products.
new title: relative to the regulation of tracking devices and establishing a commission on the use of tracking devices.
2nd new title: establishing a commission on the use of radio frequency technology.
rem 30, SO 150, am 218-220, psd 234, conc S am 1225, enr 1244, appointments 1344 (Chapter 165)
- HB 221**, relative to eligibility for absentee ballots.
am 44-47, psd 151, conc S am 1185, enr 1243 (Chapter 136)
- HB 234-FN**, relative to the development of a state municipal information network by the office of information technology.
new title: relative to the development of a state and political subdivision information network.
am 62-63, psd 151 S nonconc 1057
- HB 245**, establishing a committee to study property appraisals of features of land and the view from residential property and unimproved land.
study 74
- HB 249**, relative to delivery of absentee ballots to city or town clerks.
rem 31, SO 150, K 221

- HB 250**, permitting certain Election Day workers to vote by absentee ballot.
K 47
- HB 254-FN**, establishing additions to lifetime hunting and fishing licenses for certain activities.
new title: establishing lifetime licenses for bow and arrow, muzzle loading firearm, and cross-bow and bolt licenses.
2nd new title: establishing lifetime licenses for bow and arrow, muzzle loading firearm, and crossbow licenses.
am 65-66, Finance 98, am 512-514, psd 521, S conc 1018, enr 1097 (Chapter 50)
- HB 256**, revising the nurse practice act.
K 57
- HB 258-L**, relative to the terms of a collective bargaining agreement in a school district.
K 221
- HB 264-FN-A**, making a capital appropriation for the purchase of a boat storage and repair facility in the town of Belmont.
K 76
- HB 270**, relative to procedures of the legislative ethics committee.
S LT 1315
- HB 273-FN**, relative to licenses for persons who are not United States citizens and who are temporarily residing in New Hampshire.
K 79
- HB 278**, relative to the alternative budget procedure in school administrative units.
SO 233, psd 272, 323, S nonconc 1056
- HB 282**, establishing a committee to study issues relating to voter registration and identification requirements.
K 48
- HB 292**, establishing a procedure for a town to withdraw from a 3-town school district.
K 44
- HB 297-FN**, relative to charter schools.
K 44
- HB 298**, relative to consolidating statutes relating to driving while intoxicated.
SO 150, am & Criminal Justice and Public Safety 172-196, am 617-618, psd 725, S conc 1217, enr am 1288, enr 1291 (Chapter 260)
- HB 309-FN-A**, establishing a commission to recodify laws relating to financial contributions and disclosures and conflicts of interest and making an appropriation therefore.
K 222
- HB 312**, relative to the appointment of parenting coordinators in child custody cases.
new title: relative to the appointment of parenting coordinators.
am 31-32, psd 151 S LT 1315
- HB 316**, relative to neutral evaluations in child custody cases.
K 33
- HB 317-FN**, relative to mooring permits and fees.
new title: relative to mooring fees.
SO 150, rcmt 210, am & Ways and Means 413, am 1002, psd 1009, S conc 1056, enr 1158 (Chapter 75)

HB 325, relative to the burden of proof in child abuse and neglect proceedings.

new title: relative to proceedings under the Child Protection Act.
am 33, psd 151, S LT 1315

HB 327, relative to enforcement of support orders.

K 33

HB 331, establishing a committee to study stock and working dogs for agricultural purposes.

new title: relative to restraining dogs and relative to livestock working dogs.
am 49-50, psd 151, S conc & enr 523 (Chapter 11)

HB 334, relative to consistency of notices in court proceedings.

new title: relative to the type of notice provided in court proceedings.
am 67-68, psd 151, conc S am 1014, enr 1056 (Chapter 37)

HB 345, requiring photo identification to obtain a ballot.

SO 233, am (2 RCs) 281-289, recon rej 304, psd 323, S conc 1056, enr 1158, veto sustained (RC) 1302-1305

HB 347, requiring proof of identity for voter registration.

new title: relative to indicating citizenship on drivers' licenses and nondrivers' identification cards.

SO 233, am (RC) 289-292, recon rej 304, psd 323, S LT 1315

HB 349, relative to placement and removal of political advertising.

am 48, psd 151, nonconc S am, conf 1059, 1227, rep adop 1262, 1263, enr 1292 (Chapter 273)

HB 356, relative to the presentation of a budget in a joint maintenance agreement.

K 96

HB 365, relative to recount fees.

S nonconc 234

HB 372, relative to notification of interested parties in medical parole cases.

S nonconc 234

HB 373, relative to eligibility for parole for nonviolent offenders with Immigration and Naturalization Service detainers or deportation orders, or a federal prison sentence.

K 42

HB 374, establishing a commission on economic independence.

K 36

HB 380, relative to absentee voting.

am 103-104, psd 151, S conc 836, enr am 1238, enr 1274 (Chapter 166)

HB 385, establishing a committee to study the repeal of the felony count for fourth and subsequent DWI offenders.

new title: establishing a committee to study the adequacy of current substance abuse treatment available in the state prison system.

2nd new title: establishing a commission to study certain issues related to health and human services.

am 42-43, psd 151 conc S am 1225, enr 1263, appointments 1344 (Chapter 188)

HB 391, relative to voter registration forms for students.

new title: relative to election affidavits.

SO 233, am (RC) 292-296, recon rej (RC) 304-307, psd 323, S conc 1097, enr 1183 (Chapter 94)

HB 397, relative to authority to file an abuse or neglect petition under the Child Protection Act.

rem 30, SO 150, am 217, psd 234, S nonconc 1218

- HB 403**, limiting permissible gifts to elected officials.
K (RC) 222-224
- HB 406**, revising certain provisions of the home education statutes.
S conc 234, enr am 523, enr 772 (Chapter 13)
- HB 410**, relative to the confidentiality of documents submitted with an application for a property tax credit, exemption, or deferral.
am 74-75, psd 151, S conc & enr 1012 (Chapter 30)
- HB 413**, relative to the appointment of the chief justice of the superior court.
new title: relative to the appointment of the chief justice of the superior court and the number of superior court associate justices.
am 68-69, psd 151, conc S am 1014, enr 1056 (Chapter 38)
- HB 426**, establishing a committee to study the transfer of a certain employee of the department of environmental services.
K 57
- HB 455-FN**, relative to establishing a board of private investigation and security services.
study 58
- HB 459**, relative to access to criminal records and enhanced 911 system records and excluding information brokers from private detective licensing.
new title: relative to access to criminal records and enhanced 911 system records.
rem 31, SO 150, am 220-221, psd 234, S conc 1217, enr 1243 (Chapter 137)
- HB 460-FN**, relative to the reimbursement to certain providers by the bureau of emergency communications.
conc S am 1015, enr 1056 (Chapter 49)
- HB 470-FN-A**, relative to the annual funding of placement costs for juvenile diversion and alternative disposition programs and relative to an effectiveness study of such programs.
K 227
- HB 471**, relative to probate requirements for small estates.
K 69
- HB 473**, relative to the creation of screening panels for medical injury claims.
K 69
- HB 482-FN**, relative to the application form for absentee ballots.
K 48
- HB 485**, relative to the basis for awarding custody to a stepparent or grandparent.
study 217
- HB 489-FN**, relative to disclosing an ownership interest in certain health care facilities and businesses.
am 43, psd 151, S nonconc 1056
- HB 501**, relative to proving qualifications to vote, requiring identification to obtain a ballot, and relative to citizenship on New Hampshire identifications.
new title: relative to citizenship and domicile affidavits.
am (RC) 104-107, psd 151, S nonconc 1097
- HB 505**, relative to recording mailing addresses on property deeds.
S conc 234, enr 377 (Chapter 7)
- HB 506**, including employees of charitable organizations under the protection of the state law against discrimination.
am 228-229, psd 234, nonconc S am, conf 1223, 1234, rep adop 1262, 1263, enr 1292 (Chapter 274)

HB 508, relative to ex parte hearings.

K 69

HB 515, relative to group health insurance coverage for certain entities.

new title: relative to purchasing alliances.

am (RC) 80-90, psd 151, S nonconc 598

HB 524, relative to outsourcing of jobs.

rem 31, SO 150, rcmt 233, study 658

HB 529, establishing a presumption in favor of shared parental rights and responsibilities.

new title: relative to the determination of parental rights and responsibilities.

am 33-34, psd 151, nonconc S am, conf 1220, 1234, conferee change 1243, (no report filed), Clerk's note 1315

HB 533-FN, relative to penalties for aggravated felonious sexual assault.

S nonconc 234

HB 538, relative to disposing of construction and demolition debris.

new title: relative to deconstruction of structures.

am 50-51, psd 151, S nonconc 598

HB 541, relative to repealing the incorporation of the New Hampshire Bar Association.

SO 233, K 317-318

HB 544, relative to the land and community heritage program.

am 51, psd 151, conc S am 1014, enr 1056 (Chapter 39)

HB 553-FN-A, relative to a state tax on large lottery winnings.

SO 233, 322, K 369

HB 578, relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

new title: relative to the current use advisory board and relative to construction or development constituting a change in use for purposes of assessing the land use change tax.

am 51-54, psd 151, S LT 1315

HB 579, relative to motor vehicle inspections.

K 79

HB 581, relative to approval and review of municipal charters.

am 75-76, psd 151, S conc & enr 1010 (Chapter 22)

HB 582, relative to the policy for records management.

new title: relative to management of electronic records by the department of state, and relative to departmental salaries.

nonconc S am, conf 1015, 1227, rep adop 1262, 1263, enr 1292 (Chapter 275)

HB 587, relative to child abuse and neglect investigations by the department of health and human services.

am 34, psd 151, nonconc S am, conf 1221, 1234, rep adop 1262, 1264, enr 1292 (Chapter 276)

HB 588, relative to suspension of drivers' licenses after a motor vehicle accident.

SO 233, 322, am 368-369, psd 377, S nonconc 1218

HB 589, establishing a committee to study gifts and political contributions.

K 224

HB 590, excluding stepchildren from the definition of "child" in the context of support orders.

psd 218, 234, S conc 1010, enr am 1238, enr 1244 (Chapter 185)

- HB 591**, relative to the calculation of health and dental insurance costs as part of the child support obligation.
new title: relative to the inclusion of health insurance in the calculation of child support.
am 34-35, psd 151, S nonconc 1218
- HB 592**, relative to the child support guidelines.
new title: relative to minimum support orders.
am 35-36, psd 151, conc S am 1224, enr 1263 (Chapter 189)
- HB 598-FN**, establishing a full-time financial exploitation coordinator in the department of justice.
study 58
- HB 599-FN**, requiring disclosure to consumers of the presence of event data recording devices in new motor vehicles.
conc S am 1059, enr 1183 (Chapter 95)
- HB 606-FN-A-L**, revising the calculation and distribution of education funding and special education funding.
K 44
- HB 607-FN**, relative to gifts to elected officials.
K (RC) 224-226
- HB 608-FN**, establishing a right to trial by jury prior to a nonemergency involuntary admission.
K 69
- HB 610-FN**, relative to the right to trial by jury in parental rights termination cases.
K 218
- HB 614-FN-A-L**, providing for state funding of the statewide average education cost per pupil.
K 44
- HB 621-FN**, requiring disclosure of gifts and campaign contributions by lobbyists.
SO 233, am (3 RCs) 296-304, recon rej (RC) 307-309, psd 323, S LT 1315
- HB 624-FN**, relative to penalties in certain health and health-related professions.
SO 150, am & Criminal Justice and Public Safety 171, psd 618, 725, S conc 1056, enr 1158 (Chapter 76)
- HB 626-FN-L**, relative to the right-to-know law.
SO 233, am (RC) 318-322, psd 323, S LT 1315
- HB 627-FN**, relative to raising the age of minority for juvenile delinquency proceedings from 17 to 18 years of age.
new title: relative to including persons 17 years old in the juvenile justice system.
2nd new title: relative to extended jurisdiction over certain 17 year old offenders.
am (RC) & Finance 90-93, SO 899, am 968, psd 1008, conc S am 1225, enr 1263 (Chapter 190)
- HB 632-FN-L**, creating an environmental policy for New Hampshire.
study 54
- HB 634-FN-A**, establishing a state recycling program to provide technical services to municipalities and establishing a fee on disposable and recyclable goods sold at retail.
new title: relative to solid waste reduction, establishing a solid waste disposal fee, and renaming the recycling market development steering committee.
SO 150, am (RC) & Ways and Means 165-170, study 1002-1003
- HB 638-FN**, relative to county liability for payment of nursing home costs.
new title: relative to county and state financing of nursing home services.
am 227-228, 234, nonconc S am, conf 1222, 1234, (no report filed), Clerk's note 1315

HB 639-FN, relative to voter registration.

new title: relative to voters presenting citizenship or domicile affidavits to register on election day.

SO 233, am & K (2RCs) 309-317

HB 642--FN-L, relative to the regulation of home inspectors.

rem 31, SO 150, am & Executive Departments and Administration 229-233, K 964

HB 645-FN, relative to fire-safe cigarettes.

new title: relative to fire-safer cigarettes.

2nd new title: relative to reduced cigarette ignition propensity.

SO 150, am (RC) 213-217, psd 234, conc S am 1225, enr 1263 (Chapter 195)

HB 646-FN-L, proposing a definition of an adequate education.

new title: relative to teachers who are not deemed highly qualified pursuant to the No Child Left Behind Act.

am & LT 96-97, K 1308

HB 648-FN, relative to reducing frivolous medical injury actions.

K 69

HB 649-FN-A-L, relative to the medical examiner's duty to investigate medicolegal cases and the fees for and costs of such investigations.

relative to the development of a state and political subdivision information network.

new title: establishing a commission to study the costs and funding of medicolegal investigations and autopsies.

am 63-64, psd 151, conc S am 1014, enr 1056, appointments 1344-1345 (Chapter 40)

HB 650-FN-L, revising education funding and distribution and establishing needs-based matching grants.

SO 233, K (RC) 272-275, recon rej 275

HB 653-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities.

SO 150, am (RC) 203-209, psd 234, S conc 836, enr am 1238, enr 1263 (Chapter 225)

HB 654-FN-L, prohibiting the sale or resale of goods or services produced using inmate labor.

K 43

HB 656-FN, relative to medical decision making for those adults without capacity to make health care decisions for themselves and establishing procedures for Do Not Resuscitate Orders.

SO 150, 203, 233, 376, am (5RCs) 417-456, psd 482, nonconc S am, conf 1223, 1234, conferee change 1243, rep adop S 1262, rep adop (4RCs) & protest printed 1264-1274, enr am 1294, enr 1298 (Chapter 302)

HB 657-FN-L, relative to promoting community revitalization.

rem 31, SO 150, 233, 322, am (RC) 331-336, psd 377, S conc 1018, enr am 1238, enr 1244 (Chapter 167)

HB 659-FN-A, establishing a state recycling program to provide technical services to municipalities and establishing a fee on take-out food and beverages.

K 55

HB 663-FN, establishing a New Hampshire municipal recycling authority and establishing a commission to study the tax exemption for water and air pollution control facilities.

K 55

HB 664-FN-L, mandating open enrollment in all school districts.

SO 233, rcmt rej & K 275-280

- HB 669-FN**, setting the laboratory fee schedule for certain environmental samples.
new title: establishing a committee to study state laboratory water tests and fees for such tests collected by the department of environmental services.
rem 31, SO 150, 233, 322, am 369-370, psd 377, S LT 1315
- HB 670-FN-A**, relative to the land and community heritage investment program.
K 228
- HB 673-FN**, making it a felony to knowingly transmit the human immunodeficiency virus or hepatitis to another person.
K 43
- HB 678-FN**, relative to the insurance premium tax.
am & Ways and Means 36-37, am (RC) 1003-1006, psd 1009, nonconc S am, conf 1225, 1234, rep adop S 1262, rep adop (RC) & protest 1274-1276, enr 1292 (Chapter 277)
- HB 684-FN-L**, relative to education funding and the distribution of targeted aid and transition education grants.
K 44
- HB 685-FN-A**, permitting casino gambling.
SO 150, K (RC) 197-199
- HB 688-FN**, relative to the regulation of mental health practitioners and the procedures of the board of mental health.
am & Finance 58-60, psd 244, 323, S conc 1097, enr am 1238, enr 1244 (Chapter 168)
- HB 689-FN**, relative to the jurisdiction of the New Hampshire commission for human rights over housing discrimination cases.
am 37, psd 151, S conc 1218, enr 1226 (Chapter 126)
- HB 690-FN**, relative to medical services for children and pregnant women.
new title: relative to aid to the needy blind and relative to undue hardship for public assistance.
2nd new title: relative to aid to the needy blind to undue hardship for public assistance, and to eligibility for and recovery of public assistance.
3rd new title: relative to aid to the needy blind, undue hardship for public assistance, and eligibility for and recovery of public assistance.
am & Finance 66-67, psd 528, 595, conc S am 1228, enr am 1290, enr 1292 (Chapter 278)
- HB 695-FN**, requiring the university system of New Hampshire to make payments in lieu of taxes for purchased property.
SO 150, K 209-210
- HB 696-FN**, relative to enhanced penalties for certain crimes against the elderly and persons with disabilities.
S nonconc 234
- HB 698-FN**, relative to penalty assessments.
am & Ways and Means 64, study 416
- HB 703-FN**, relative to advertisement of prescription drugs and establishing the pharmaceutical marketing disclosure law.
K 90
- HB 704-FN**, establishing the New Hampshire Rx advantage program and continually appropriating a special fund.
K 67
- HB 713-FN**, relative to a process for the request and disclosure of social security numbers.
am 70-72, psd 151, S study 1018

HB 715-FN-A, relative to the regulation of bingo and lucky 7.

K 60

HB 716-FN, relative to securities regulation.

am & Ways and Means 38-40, psd 261, 323, conc S am 1185, enr am 1244, enr 1288 (Chapter 245)

HB 718-FN-A, relative to group life insurance for New Hampshire citizens serving in the military reserves or national guard and making an appropriation therefor.

new title: relative to a state active duty death benefit for activated members of the New Hampshire National Guard and making an appropriation therefor.

am 64-65, psd 151, conc S am 1185, enr 1243 (Chapter 138)

HB 719-FN, recodifying the Articles 1 and 7 of the Uniform Commercial Code.

new title: recodifying the Articles 1 And 7 of the Uniform Commercial Code and relative to lobbyist name tags.

am 40-41, psd 151, conc S am 1020, enr am 1238, enr 1244 (Chapter 169)

HB 722, relative to the spreading of biosolids in certain designated areas.

SO 233, 317, am & K (2 RCs) 325-331

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HB 1101-FN-L, relative to the definition of "hotel" for purposes of exclusion from the meals and rooms tax. (Almy, Graf 11: Ways and Means)

2, K 588-589

HB 1102, allowing municipalities to adopt a property tax credit for homeowners supporting a disabled adult child in the home. (Ober, Hills 27: Municipal and County Government)

2, K 489-490

HB 1103, relative to creating county commissioner districts in Strafford County. (Goodwin, Straf 6; et al: Municipal and County Government)

2, K 255

HB 1104-FN-A, making an appropriation to the Good Neighbor Health Clinic. (Houde-Quimby, Sull 1; et al: Health, Human Services and Elderly Affairs)

2, K 249

HB 1105, relative to eyewitness identification procedures. (Hammond, Graf 11; et al: Criminal Justice and Public Safety)

2, K 526

HB 1106-L, relative to charter commissions. (Hunter, Hills 7; et al: Municipal and County Government)

2, K 547

HB 1107, relative to requirements for commercial construction contracts. (Infantine, Hills 13; et al: Commerce)

2, study 601

HB 1108, relative to the transfer of funds among PAUs within a department. (King, Coos 1; et al: Finance)

new title: relative to the transfer of funds among PAUs within a department and relative to the temporary provision of assistance to persons eligible for both Medicaid and Medicare services and extending the appropriation therefor.

3, rem 237, SO 322, 376, 482, psd 505, 521, conc S am 1059, enr 1183 (Chapter 96)

- HB 1109**, establishing a committee to study the calculation of unemployment benefits. (Cali-Pitts, Rock 16: Labor, Industrial and Rehabilitative Services)
3, K 658
- HB 1110**, relative to exemptions from licensing requirements for athletic trainers. (Pilotte, Hills 16; et al: Executive Departments and Administration)
3, K 392
- HB 1111**, designating the pumpkin as the New Hampshire state fruit. (Peter Allen, Ches 6; et al: Environment and Agriculture)
3, rem 601, SO 729, psd & remarks printed 730-732, psd 772, S conc 1097, enr 1183 (Chapter 93)
- HB 1112**, relative to disclosure of appeals processes under insurance policies. (Dexter, Ches 6: Commerce)
3, K 601
- HB 1113**, adding a definition of “public academy” to New Hampshire law. (S. L’Heureux, Merr 9; et al: Education)
new title: adding a definition of “public academy” to the definition of “high school.”
2nd new title: adding a definition of “public academy” to the definition of “high school”, relative to the membership of the state advisory committee on the education of children/students with disabilities; and amending the definition of “limited English proficient pupil.”
3, am 628, psd 725, conc S am 1226, enr 1263, committee amended 1343 (Chapter 191)
- HB 1114**, relative to regulation by the board of licensure of interpreters for the deaf and hard of hearing. (Bergin, Hills 6; et al: Executive Departments and Administration)
3, am 392-393, psd 481, S conc & enr 1012 (Chapter 31)
- HB 1115**, relative to the definition of resident for purposes of fish and game laws. (R. L’Heureux, Hills 19; et al: Fish and Game)
3, am 245-246, psd 323, S conc 836, enr 1010 (Chapter 14)
- HB 1116**, relative to service of the notice to quit and writ of possession in landlord tenant actions. (Wendelboe, Belk 1: Judiciary)
new title: relative to service of the notice to quit and writ of summons in landlord tenant actions.
3, am 656-657, psd 726, conc S am 1231, enr 1263 (Chapter 192)
- HB 1117**, relative to the economic development section of a master plan. (Patten, Carr 4; et al: Municipal and County Government)
3, SO 772, K 815
- HB 1118**, requiring paper ballots at all elections. (Clemons, Hills 24; et al: Election Law)
3, psd 241, 322, S conc & enr 1010 (Chapter 23)
- HB 1119**, relative to naming the Richard Monahan Bridge in the town of Carroll. (Tholl, Coos 2; et al: Public Works and Highways)
3, psd 256, 323, S conc 836, enr 1010 (Chapter 20)
- HB 1120-FN-L**, relative to Internet access in public libraries. (Adams, Hills 2: Science, Technology and Energy)
3, K 259
- HB 1121-L**, relative to licensure levels of care in residential care facilities. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)
new title: establishing a committee to study rulemaking and licensure issues relative to assisted living and residential care.
3, am 249-250, psd 323, nonconc S am 1232

HB 1122, relative to special elections. (Winchell, Rock 6: Election Law)
3, am 241-242, psd 322, S conc & enr 1012 (Chapter 32)

HB 1123, requiring equestrian helmets for first-time riders. (Olimpio, Carr 5: Environment and Agriculture)
3, K 706

HB 1124, relative to the wording of ballot questions and specifying that a simple majority is required to pass a ballot question, unless a supermajority vote is otherwise required. (Winchell, Rock 6: Municipal and County Government)
3, K 661

HB 1125, relative to the filing period for candidates at the presidential primary. (Splaine, Rock 16: Election Law)
3, SO 322, 376, 482, am 500-501, psd 521, S conc 1018, enr 1097 (Chapter 72)

HB 1126, relative to licenses for first mortgage bankers and brokers. (S. Francoeur, Rock 15: Commerce)

new title: relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders.

2nd new title: relative to licenses for first mortgage bankers, brokers, pawnbrokers, and money lenders and relative to licensing of money transmitters.

3, am 601-609, psd 725, nonconc S am, conf 1221, 1234, rep adop 1262, 1276, enr am 1292-1293, enr 1298 (Chapter 303)

HB 1127, relative to the obligation of religious leaders to report child abuse. (Gile, Merr 10; et al: Children and Family Law)
3, study (RC) 553-556

HB 1128-FN, relative to definition of teacher in the New Hampshire retirement system. (Zolla, Rock 5; et al: Executive Departments and Administration)

new title: relative to definition of teacher in the New Hampshire retirement system, and relative to approval of supplemental allowances.

3, am 393, psd 481, S conc 1018, enr 1097 (Chapter 51)

HB 1129, relative to eminent domain. (Villeneuve, Hills 18; et al: Judiciary)
3, rem 601, SO 729, study 759

HB 1130, relative to the definition of necessary shelter for dogs. (P. Allen, Ches 6; et al: Environment and Agriculture)
3, K 706-707

HB 1131, increasing the payment in lieu of taxes paid to the city of Portsmouth by the Pease development authority. (Pantelakos, Rock 16; et al: Finance)
3, K 244

HB 1132, relative to qualifications for the Global War on Terrorism operations service bonus payment. (Hofemann, Straf 6; et al: Municipal and County Government)
3, vac State-Federal Relations and Veterans Affairs 30, am 414-415, psd 482, S conc 1018, enr 1097 (Chapter 52)

HB 1133, establishing the employee civic duty act. (Mooney, Hills 19; et al: Labor, Industrial and Rehabilitative Services)
3, SO 772, study 814

HB 1134, relative to membership of the state building code review board. (Harding, Graf 11; et al: Executive Departments and Administration)
4, psd 393, 481, S LT 1315

- HB 1135**, making a technical correction to the Uniform Interstate Family Support Act. (Harding, Graf 11: Children and Family Law)
4, psd 237, 322, S conc 1056, enr 1158 (Chapter 77)
- HB 1136**, establishing a commission to study the care needs of medically-fragile students in the school system. (Harding, Graf 11; et al: Education)
4, K 628
- HB 1137**, relative to criminal trespass. (Renzullo, Hills 27; et al: Criminal Justice and Public Safety)
4, rem 600, SO 729, K (RC) 752-755
- HB 1138**, relative to required pay for employees called into work. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)
4, SO 835, 893, K (RC) 994-998
- HB 1139**, relative to the time required between mandatory shifts or other work periods. (Renzullo, Hills 27: Labor, Industrial and Rehabilitative Services)
4, K 658
- HB 1140**, establishing a committee to study the establishment and enforcement of protection zones for nesting loons. (Mirski, Graf 10: Fish and Game)
4, psd 530, 595, S LT 1315
- HB 1141**, relative to innovative land use controls. (Mirski, Graf 10: Municipal and County Government)
4, SO 729, K 741
- HB 1142**, establishing a committee to study whether a general business license should replace the licensure of trades and professions. (Mirski, Graf 10: Executive Departments and Administration)
4, K 242
- HB 1143**, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Ladies' Bridge. (Mirski, Graf 10: Public Works and Highways)
4, K 411
- HB 1144**, allowing dental hygienists to engage in independent practice. (Mirski, Graf 10; et al: Executive Departments and Administration)
4, K 242
- HB 1145**, permitting vehicles to proceed straight through an intersection after stopping for a red light. (Field, Merr 7; et al: Transportation)
4, K 260
- HB 1146**, establishing a committee to study renewable portfolio standards. (Harvey, Hills 21; et al: Science, Technology and Energy)
new title: establishing a commission to study certain energy and environmental issues.
2nd new title: establishing a state energy policy commission.
4, psd 550, 596, nonconc S am, conf 1224, 1242, conferee change 1243, rep adop 1262, 1276, enr am 1288, enr 1291, appointments 1345 (Chapter 257)
- HB 1147**, relative to the conduct of recounts. (Harvey, Hills 21; et al: Election Law)
4, psd 242, 322, conc S am 1014, enr 1056 (Chapter 41)
- HB 1148-FN-A**, making an appropriation to the Seacoast Shipyard Association. (Splaine, Rock 16; et al: Finance)
4, K 244
- HB 1149**, regarding public notification of sexual offender information and establishing a committee to study the creation of a sexual offender classification system. (Dokmo, Hills 6; et al: Criminal Justice and Public Safety)
4, study 526

HB 1150, *not introduced.*

HB 1151, relative to the prohibition of illegal aliens. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)
4, K (RC) 561-564

HB 1152, naming a certain bridge over the Merrimack River. (Shurtleff, Merr 10: Public Works and Highways)
4, psd 411, 482, S conc & enr 1012 (Chapter 33)

HB 1153, establishing a commission to study the laws and rules relating to subpoenas, summonses, and complaints. (Ulery, Hills 27; et al: Judiciary)
4, am 405-406, psd 481, S nonconc 1057

HB 1154-FN, relative to eligibility for special number plates for veterans. (Stiles, Rock 15; et al: Transportation)
4, psd 415, 482, S conc 1018, enr 1097 (Chapter 53)

HB 1155, creating a violation for failure to pay a highway toll. (J. Flanders, Rock 8; et al: Transportation)
4, Criminal Justice and Public Safety 415, psd 618, 725, S conc 1097, enr 1183 (Chapter 116)

HB 1156, changing the notification for public hearings on ski area passenger tramway rules from registered mail to first class mail. (J. Flanders, Rock 8: Executive Departments and Administration)
4, psd 394, 481, S conc & enr 1010 (Chapter 24)

HB 1157, relative to the definition of a sending district. (Foote, Ches 6; et al: Education)
4, psd 527-528, 595, S conc 1218, enr 1243 (Chapter 139)

HB 1158, relative to eligibility for the property tax exemption for the disabled. (Weare, Rock 14: Municipal and County Government)
4, K 407

HB 1159, relative to procedures for certain court ordered out-of-district placements. (Grassie, Straf 1; et al: Education)
4, K 629

HB 1160, establishing a committee to study the effects of willful, habitual misconduct by individuals on their subsequent well-being which may impose a burden on public funds. (Rosen, Belk 4: Health, Human Services and Elderly Affairs)
4, rem 237, SO 322, 376, 482, K 507

HB 1161, requiring vehicles to be equipped with a useable spare tire. (P. Johnson, Hills 26: Transportation)
5, K 260-261

HB 1162, relative to village districts. (Patten, Carr 4; et al: Municipal and County Government)
5, rem 379, am 520, psd 521, S nonconc 1057

HB 1163, establishing a commission to study the feasibility of developing a conversion system for motor vehicles to operate on multiple fuels. (Buzzell, Coos 4; et al: Science, Technology and Energy)
5, K 259

HB 1164, requiring cellular telephone service providers to have a minimum 72-hour power backup capacity at each cell tower location. (McRae, Hills 7; et al: Science, Technology and Energy)
5, K 259

HB 1165, relative to absentee voting. (Hall, Hills 5: Election Law)
5, K 390

- HB 1166**, relative to electronic ballot counting machines. (Hall, Hills 5: Election Law)
5, am 242, psd 322, S LT 1315
- HB 1167-FN-A**, making an appropriation to the land and community heritage investment program. (Hess, Merr 9; et al: Finance)
new title: relative to the department of transportation pilot program for effective investment of state highway mitigation funds and making an appropriation to the land and community heritage investment program.
5, am (RC) 971-973, psd 1008, conc S am 1227, enr am 1290, enr 1292, committee amended 1343, 1344 (Chapter 279)
- HB 1168**, establishing a commission to determine how to optimize boating safety on water bodies. (Spang, Straf 7; et al: Resources, Recreation and Development)
5, SO 772, am 816-817, psd 835, S LT 1315
- HB 1169-L**, relative to highway construction safety. (Whiting, Merr 2; et al: Public Works and Highways)
5, K 256
- HB 1170**, requiring state education aid to be used exclusively for public education. (Gale, Sull 3: Education)
5, K 629
- HB 1171**, relative to the violation of protective orders. (J. Wheeler, Hills 6: Criminal Justice and Public Safety)
5, K 386
- HB 1172-FN**, relative to registration of political committees. (Rowe, Hills 6: Election Law)
5, am 629, psd 725, S conc 1097, enr 1183 (Chapter 97)
- HB 1173**, relative to designating the clerk in municipalities with multiple polling places the chief elections officer for the municipality. (Clemons, Hills 24; et al: Election Law)
new title: relative to designating the clerk in cities the chief elections officer for the city.
5, am 390-391, psd 481, S conc 1056, enr 1158 (Chapter 78)
- HB 1174**, requiring that voters who request a secret ballot be present at the town meeting. (Anderson, Merr 13; et al: Municipal and County Government)
5, psd 661, 726, S conc 1097, enr 1183 (Chapter 117)
- HB 1175**, *not introduced*.
- HB 1176**, establishing a committee to study statutes relating to railroads. (Danforth, Merr 6; et al: Transportation)
5, psd 415, 482, S LT 1315
- HB 1177**, prohibiting smoking in restaurants and cocktail lounges. (S. Francoeur, Rock 15; et al: Commerce)
new title: prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.
5, SO 835, am (5RCs) 844-859, psd 900, S nonconc 1056
- HB 1178**, relative to the definition of an adequate education. (P. Allen, Ches 6: Education)
5, K 564
- HB 1179**, repealing a requirement that the department of transportation spend a certain amount for litter removal that is determined based on fees paid to the liquor commission. (Graham, Hills 18; et al: Ways and Means)
5, psd 261, 323, S conc 1018, enr 1097 (Chapter 54)
- HB 1180**, relative to distributing sexual offender registry information. (Buhlman, Hills 27; et al: Criminal Justice and Public Safety)
5, K 618

- HB 1181**, establishing a committee to study the composition of the retirement system board of trustees. (O'Neil, Rock 15: Executive Departments and Administration)
5, K 394
- HB 1182-FN**, relative to the recreational taking of lobster by scuba divers. (Emerton, Hills 7: Fish and Game)
new title: relative to the limited commercial lobster license fees.
5, am 530, psd 595, conc S am 1185, enr 1243 (Chapter 140)
- HB 1183**, relative to the terms of office for state department commissioners. (Kennedy, Merr 4; et al: Executive Departments and Administration)
5, rem 237, SO 322, 376, 482 K 504
- HB 1184**, relative to the majority vote required for the use of bond proceeds in certain school districts or municipalities. (S. L'Heureux, Merr 9; et al: Municipal and County Government)
5, am 162, psd 233, S conc 324, enr am 523, enr 772 (Chapter 12)
- HB 1185**, relative to Volunteer NH. (Gargas, Hills 5; et al: Executive Departments and Administration)
5, psd 243, 322, S conc 1018, enr 1097, committee amended 1344 (Chapter 55)
- HB 1186**, relative to the location of the Cheshire county superior court. (Pratt, Ches 2; et al: Public Works and Highways)
5, study 549
- HB 1187**, requiring a school district to disclose the percentage of its total education budget used for direct support of education. (Giuda, Graf 5: Education)
5, SO 322, K 371
- HB 1188**, relative to notice before entry into a condominium unit. (Bouchard, Merr 11: Commerce)
5, am 609, psd 725, S conc 1018, enr 1097 (Chapter 56)
- HB 1189**, relative to audits by the legislative budget assistant. (Marshall Quandt, Rock 13; et al: Finance)
6, SO 899, am 968-969, psd 1008, S conc 1056, enr 1158 (Chapter 79)
- HB 1190**, establishing a committee to study refunds of insurance premiums overcharged under SB 110. (Marshall Quandt, Rock 13; et al: Commerce)
6, K 609
- HB 1191**, making technical corrections to the chapter governing vital records. (Pilote, Hills 16; et al: Executive Departments and Administration)
6, am 394, psd 481, S conc 1218, enr 1243 (Chapter 141)
- HB 1192**, relative to property and casualty insurance. (S. Francoeur, Rock 15; et al: Commerce)
6, am 609-610, psd 725, conc S am 1225, enr 1263 (Chapter 196)
- HB 1193-FN**, directing the secretary of state to remove certain language from the text of Part II, Article 73-a of the New Hampshire constitution. (Marple, Merr 9; et al: Judiciary)
6, rem 525, SO 594-595, K 687-688
- HB 1194**, relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel. (Wiley, Rock 5: Labor, Industrial and Rehabilitative Services)
new title: relative to job protection for firefighters, rescue workers, and emergency medical personnel.
2nd new title: relative to job protection for volunteer firefighters, rescue workers, and emergency medical personnel, and relative to health insurance claim review and the qualifications and responsibilities of a medical director.

- 3rd new title:** relative to job protection for firefighters, rescue workers, and emergency medical personnel, and relative to health insurance claim review.
6, SO 729, am 735-736, psd 772, nonconc S am, conf 1223, 1234, conferee change 1243, 1244, rep adop 1262, 1277 enr am 1295, enr 1298 (Chapter 304)
- HB 1195**, relative to salary and compensation increases included in a default budget. (Slocum, Hills 6; O'Brien, Hills 4: Municipal and County Government)
6, SO 835, K 894
- HB 1196**, relative to cost items submitted to the town meeting. (Slocum, Hills 6; et al: Municipal and County Government)
6, K 661
- HB 1197**, establishing a committee to study requiring state government to consider using open source software when acquiring new software. (Cataldo, Straf 3; et al: Executive Departments and Administration)
6, K 394
- HB 1198**, establishing a committee to study highway rest areas. (Rausch, Rock 5; et al: Public Works and Highways)
6, am 256-257, psd 323, S LT 1315
- HB 1199-FN**, requiring out-of-state owners to register unflyable aircraft. (Rausch, Rock 5; et al: Transportation)
6, K 415
- HB 1200**, *not introduced*.
- HB 1201**, relative to child passenger restraints. (Packard, Rock 3; et al: Transportation)
6, psd 551, 596, S conc 1218, enr 1243 (Chapter 142)
- HB 1202**, relative to the minimum age required for marriage. (Mitchell, Ches 7; et al: Children and Family Law)
6, study 237
- HB 1203-FN-L**, relative to school building costs for athletic fields. (Scanlon, Hills 18; et al: Education)
6, K 240
- HB 1204**, relative to human immunodeficiency virus education, prevention, and control. (MacKay, Merr 11: Health, Human Services and Elderly Affairs)
6, psd 250, 323, nonconc S am (RC) 1228-1230
- HB 1205**, relative to service of process by New Hampshire plaintiffs on foreign corporations. (Ulery, Hills 27; et al: Judiciary)
6, K 254-255
- HB 1206**, relative to the assessing standards board. (Patten, Carr 4; et al: Municipal and County Government)
new title: relative to the assessing standards board, and the approval of appraisal contracts.
6, am 661-663, psd 726, conc S am 1231, enr 1263, committee amended 1343 (Chapter 193)
- HB 1207**, establishing a committee to study the creation of a flag to honor all police departments in the state. (Dickinson, Carr 1: Legislative Administration)
6, K 659
- HB 1208**, establishing a committee to study transferring case management responsibilities for home and community-based care programs from the department of health and human services to the counties. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs)
6, K 250

- HB 1209**, relative to notification requirements for criminal offenders. (Thomas, Belk 5; et al: Criminal Justice and Public Safety)
6, am 618-619, psd 725, S LT 1315
- HB 1210**, restricting the speed of remote-controlled model boats. (N. Johnson, Straf 3; et al: Resources, Recreation and Development)
6, K 258
- HB 1211**, relative to tinted glass on motor vehicles. (M. Cooney, Graf 7: Transportation)
6, K 415
- HB 1212-FN**, relative to the relocation of manufactured housing having delinquent property taxes. (Cady, Rock 1; et al: Municipal and County Government)
6, K 255
- HB 1213**, prohibiting tampering with a motorcycle's noise control system. (Buco, Carr 1: Transportation)
6, K 415
- HB 1214**, establishing a task force to identify and assess community-based, educational and social/human services programs that serve families with children 8 years of age and younger. (Gile, Merr 10; et al: Children and Family Law)
new title: establishing a study committee to identify and assess community-based, educational and social/human services programs that serve families with children 8 years old and younger.
2nd new title: establishing a committee to study certain educational and social service issues.
6, am 237-238, psd 322, conc S am 1224, enr 1244, appointments 1345 (Chapter 170)
- HB 1215**, relative to the winter maintenance of Diamond Pond Road in the towns of Colebrook and Stewartstown. (Stohl, Coos 1; et al: Finance)
6, vac Public Works and Highways 29, am 668, psd 726, S conc 1097, enr am 1239, enr 1244 (Chapter 175)
- HB 1216**, relative to the sale of unpasteurized milk. (Dalrymple, Rock 4: Environment and Agriculture)
7, rem 601, SO 729, am 758, psd 772, S nonconc 1218
- HB 1217**, requiring the secretary of state to publish certain information on campaign contributions. (Itse, Rock 9; et al: Election Law)
7, psd 630, 725, S conc 1018, enr 1097 (Chapter 57)
- HB 1218**, relative to the unauthorized use of the name of a financial institution. (Stepanek, Hills 6; et al: Commerce)
7, K 525
- HB 1219**, prohibiting the use of public funds to advocate for the success or defeat of a candidate or ballot question. (Kennedy, Merr 4: Election Law)
7, study 630
- HB 1220**, establishing a committee to study a statewide review of all unanticipated fatalities and serious injury involving incapacitated adults and individuals 60 years of age or older. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)
7, psd 250, 323, S LT 1315
- HB 1221-FN**, relative to recovery of medical assistance from a decedent's estate. (Kidder, Merr 1: Judiciary)
new title: relative to recovery of medical assistance.
7, am 486-487, psd 521, S LT 1315
- HB 1222-FN**, relative to unlawful voting. (O'Neil, Rock 15: Election Law)
7, SO 322, 376, 482, am 501, psd 521, S conc 1018, enr 1097 (Chapter 68)

- HB 1223-FN**, relative to the use of real estate brokers by the department of transportation. (D. Campbell, Hills 24; et al: Public Works and Highways)
7, am 668-669, psd 726, conc S am 1231, enr 1263 (Chapter 194)
- HB 1224-FN**, establishing reciprocity for liability limitations on claims against the state and against foreign jurisdictions. (D. Campbell, Hills 24; et al: Judiciary)
7, SO 772, K 804
- HB 1225-FN-A**, making a capital appropriation to the department of administrative services for siting, design, and construction of the new Henniker-Hillsborough courthouse. (Essex, Hills 1; et al: Public Works and Highways)
new title: relative to the judicial branch family division for the Henniker and Hillsborough District Courts.
7, am 411-412, psd 482, S conc & enr 1010 (Chapter 25)
- HB 1226-FN**, relative to the New Hampshire Humanities Council. (M. Smith, Straf 7; et al: Finance)
7, psd 244-245, 323, S conc & enr 1012 (Chapter 34)
- HB 1227-FN**, relative to late fees and reinstatement fees paid by business entities. (Ferland, Sull 5; et al: Commerce)
7, am & Ways and Means 385, psd 844, 899, S conc 1056, enr 1158 (Chapter 81)
- HB 1228-FN**, relative to the sale or lease of state-owned real estate. (Chandler, Carr 1; et al: Public Works and Highways)
new title: relative to the sale or lease of state-owned real estate and relative to penalties under the real estate practice act.
7, am 257, psd 323, conc S am 1059, enr 1183 (Chapter 98)
- HB 1229-FN**, prohibiting the use of false documentation for employment, government services, or permits. (Renzullo, Hills 27; et al: Criminal Justice and Public Safety)
7, LT (2RCs) 696-701, (RC) 1052-1054, K 1308
- HB 1230-FN**, relative to clinical trials for pharmaceuticals. (Matarazzo, Hills 20; et al: Health, Human Services and Elderly Affairs)
7, rem 237, SO 322, 376, 482, K 507
- HB 1231-FN**, relative to the penalty for assaulting a firefighter, emergency medical technician, or law enforcement officer. (Wiley, Rock 5: Criminal Justice and Public Safety)
new title: relative to the penalty for assaulting a firefighter, licensed emergency medical care provider, or law enforcement officer.
7, am 387, psd 481, S conc 1056, enr am 1239, enr 1263 (Chapter 197)
- HB 1232-FN**, applying the enhanced 911 system surcharge to voice over Internet protocol telephone service providers. (S. L'Heureux, Merr 9: Science, Technology and Energy)
7, K 414
- HB 1233-FN**, including public officials under the real estate practice act. (Newton, Straf 1; et al: Commerce)
7, rem 600, SO 729, K (RC) 749-752
- HB 1234-FN**, reducing the maximum amount of debt or damages for small claims actions. (Rowe, Hills 6: Judiciary)
7, K 657
- HB 1235-FN**, establishing a criminal penalty for driving a commercial motor vehicle while violating an out-of-service order. (Rowe, Hills 6: Criminal Justice and Public Safety)
7, psd 619, 725, S nonconc 1097
- HB 1236-FN-L**, relative to disclosure of public expenditures related to lobbying and electioneering. (O'Brien, Hills 4; et al: Election Law)
7, SO 835, 868, 899, K (2RCs) 959-964

- HB 1237-FN-L**, requiring matching expenditures when public money is paid for purposes of electioneering. (O'Brien, Hills 4; et al: Election Law)
7, study 630
- HB 1238-FN**, relative to centralized voter registration database information. (O'Brien, Hills 4; et al: Election Law)
new title: relative to centralized voter registration database information and relative to interference with campaign communications.
7, rem 236, SO 322, 376 am & Ways and Means 456-457, psd 681-682, 726, nonconc S am, conf 1098, 1227, rep adop 1262, 1277, enr am 1295, enr 1298 (Chapter 305)
- HB 1239-FN**, relative to dog licensure. (Weare, Rock 14: Environment and Agriculture)
7, K 392
- HB 1240-FN**, establishing the position of state ethics officer. (Splaine, Rock 16: Executive Departments and Administration)
7, am & study (2RCs) 475-480
- HB 1241-FN-L**, mandating the inclusion of kindergarten as part of an elementary school. (P. Allen, Ches 6; et al: Education)
new title: extending the kindergarten construction aid program.
7, am (RC) & Finance 469-472, SO 899, psd 969, 1008, conc S am 1226, enr 1263 (Chapter 198)
- HB 1242-FN**, relative to providing copies of the house and senate calendars to public libraries. (Mead, Hills 4; et al: Legislative Administration)
8, K 407
- HB 1243-FN**, reducing certain fines for motor vehicle violations. (Buhlman, Hills 27; et al: Ways and Means)
8, SO 772, am (RC) 825-827, psd 835, conc S am 1185, enr am 1288-1289, enr 1291 (Chapter 259)
- HB 1244-FN**, relative to eligibility to receive moneys from the driver training fund. (DeJoie, Merr 11: Transportation)
8, K 415-416
- HB 1245-FN-L**, allowing municipalities to be paid usage fees for services provided to county government. (Buxton, Rock 10: Municipal and County Government)
8, K 255-256
- HB 1246-FN**, relative to assault on law enforcement, corrections, and probation-parole officers. (Dumaine, Rock 3: Criminal Justice and Public Safety)
8, K 387
- HB 1247-FN**, relative to licensure of pharmacy benefit managers. (Nowe, Rock 9: Executive Departments and Administration)
8, study 634
- HB 1248-FN**, relative to the alteration of a portion of the town line between Milford and Amherst. (Dokmo, Hills 6; et al: Municipal and County Government)
8, psd 162, 233, S conc 324, enr 377 (Chapter 4)
- HB 1249-FN-A-L**, relative to state reimbursement for school breakfasts and making an appropriation therefor. (Stiles, Rock 15; et al: Education)
8, SO 322, Finance 371, psd 978, 1008, S conc 1218, enr 1226 (Chapter 127)
- HB 1250**, not introduced.
- HB 1251-FN**, relative to receipt by counties of federal funds for public assistance. (Gale, Sull 3: Municipal and County Government)
8, K 256

- HB 1252**, authorizing the use of a credit freeze as a means of deterring identity theft. (Villeneuve, Hills 18; et al: Commerce)
8, K 239
- HB 1253**, authorizing contracts and probationary periods for the hiring of appointed police chiefs. (Boehm, Hills 27; et al: Municipal and County Government)
8, K 663
- HB 1254**, relative to eminent domain. (Mooney, Hills 19; et al: Judiciary)
8, study 657
- HB 1255**, establishing a committee to study improvements to the Amoskeag Street interchange at exit 6 of the F. E. Everett Turnpike. (Hirschmann, Hills 17; et al: Public Works and Highways)
8, rem 237, SO 322, 376, 482, K 509
- HB 1256**, establishing a committee to study the feasibility of creating an independent administrative office of the courts. (Mirski, Graf 10; et al: Judiciary)
8, K 545
- HB 1257**, relative to conflicts of interest of municipal officials. (Mirski, Graf 10: Municipal and County Government)
8, K 547
- HB 1258-FN-A**, establishing a sunset review process for executive agency and judicial programs and making an appropriation therefor. (Mirski, Graf 10; et al: Executive Departments and Administration)
8, SO 835, study 872
- HB 1259**, relative to the classification of wetlands as contributing or noncontributing. (Mirski, Graf 10: Resources, Recreation and Development)
8, K 671
- HB 1260**, relative to informing first-time driver's license applicants of the controlled drug laws, and prohibiting the issuance of a youth operator's license to controlled drug violators. (Hinkle, Hills 19; et al: Transportation)
new title: relative to informing first-time driver's license applicants of the controlled drug laws.
8, am 679-680, psd 726, S conc 1218, enr 1243 (Chapter 143)
- HB 1261**, relative to driver's license revocation or denial for drugs or alcohol involvement. (Hinkle, Hills 19; et al: Transportation)
8, K 551
- HB 1262**, legalizing actions taken at town meeting relative to increasing the board of selectmen from 3 members to 5 members in the town of Pittsfield. (Langlais, Merr 8; et al: Municipal and County Government)
8, psd 162, 233, S conc 324, enr 377 (Chapter 3)
- HB 1263**, requiring certain notification before a person with a mental illness may be discharged from a state mental health services facility. (Cady, Rock 1; et al: Health, Human Services and Elderly Affairs)
8, K 403-404
- HB 1264**, establishing an advisory committee to study the information practices act and establishing a temporary moratorium on reports filed under the information practices act. (Dokmo, Hills 6; et al: Executive Departments and Administration)
8, psd 394, 481, S LT 1315
- HB 1265**, establishing the council on the relationship between public health and the environment. (French, Merr 5; et al: Environment and Agriculture)

new title: extending the final report date of the commission to study the relationship between public health and the environment.

8, am 707, psd 726, conc S am 1227, enr 1263, report date extended 1343 (Chapter 199)

HB 1266, relative to acceptance of consular identification documents. (Velez, Hills 12: Judiciary) 9, rem 525, SO 594-595, K (RC) 688-690

HB 1267, establishing a committee to study the use of money in dedicated funds. (Klose, Merr 8: Finance) 9, K 245

HB 1268-FN-A, making a capital appropriation for air conditioning in the House of Representatives chamber in the state house. (Pepino, Hills 11: Public Works and Highways) 9, K 257

HB 1269, relative to the taking of red deer or elk. (Chandler, Carr 1; et al: Fish and Game) 9, rem 237, SO 322, 376, 482, 506, am (RC) 573-576, psd 596, S LT 1315

HB 1270, relative to the use of wireless telephones while driving. (P. Johnson, Hills 26: Transportation) 9, K 551-552

HB 1271, relative to speed limits on municipal ways. (P. Johnson, Hills 26: Transportation) 9, K 416

HB 1272, relative to the authority of elected police chiefs in towns with populations of more than 3,000. (Solomon, Graf 10; et al: Municipal and County Government) 9, K 663

HB 1273, relative to the disposition of municipal records. (Patten, Carr 4: Municipal and County Government)

new title: relative to the disposition and retention of municipal records and legalizing the September 13, 2005 special meeting of the town of Brookline.

2nd new title: relative to the disposition and retention of municipal records, legalizing the September 13, 2005 special meeting of the town of Brookline, legalizing the March 14, 2006 vote by the town of East Kingston to approve a bond financing a new police station, and legalizing the March 2006 Article 2 petitioned warrant article of the town of Sandown. 9, am 547-548, psd 596, conc S am 1203, enr 1226 (Chapter 119)

HB 1274, relative to certain disclosures to the department of health and human services. (Marshall Quandt, Rock 13; et al: Commerce) 9, am 610, psd 725, conc S am 1225, enr 1263 (Chapter 226)

HB 1275, *not introduced*.

HB 1276, relative to automobile insurance. (Manney, Hills 7; et al: Commerce) 9, K 610-611

HB 1277, providing limited immunity to mental health care providers caring for voluntarily admitted patients. (Buzzell, Coos 4: Judiciary) 9, K 545

HB 1278, increasing the fine for violating certain laws relative to labor. (Buzzell, Coos 4: Labor, Industrial and Rehabilitative Services) 9, Ways and Means 406, psd 682, 726 S conc 1218, enr 1226 (Chapter 128)

HB 1279, establishing a commission to study state medicaid reimbursement. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs) 9, am 250-251, psd 323, S LT 1315

HB 1280, establishing a committee to study all sources of grant funding received by the state. (Buzzell, Coos 4: Finance) 9, K 245

- HB 1281**, establishing a committee to study the effectiveness of the department of health and human services. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs)
9, K 251
- HB 1282**, establishing a committee to study the reasons why the economically disadvantaged are relocating to rural communities. (Buzzell, Coos 4: Municipal and County Government)
9, K 663
- HB 1283**, relative to sheep and goat identification requirements. (Rausch, Rock 5: Environment and Agriculture)
9, psd 242, 322, S conc 836, enr 1010 (Chapter 15)
- HB 1284-FN-A**, increasing the appropriation to the firemen's relief fund. (Price, Hills 26; et al: Finance)
9, study 652
- HB 1285**, making certain technical corrections to the adoption statute. (McRae, Hills 7: Children and Family Law)
new title: relative to adoption.
9, am 238-239, psd 322, conc S am 1224, enr 1263 (Chapter 200)
- HB 1286**, authorizing the secretary of state to initiate recounts. (Hall, Hills 5: Election Law)
9, SO 322, 376, 482, K 501-502
- HB 1287**, requiring legislative approval of any rules proposed by the state board of education. (Balboni, Hills 21; et al: Executive Departments and Administration)
9, K 634
- HB 1288**, requiring an audit of federal funds received by the department of education. (Balboni, Hills 21: Finance)
9, K 403
- HB 1289**, relative to Pennichuck Brook and its watershed. (Balboni, Hills 21; et al: Resources, Recreation and Development)
9, am 671-673, psd 726, S nonconc 1218
- HB 1290**, requiring the attorney general to enforce city and town charters and to prosecute suspected violations of city and town charters. (Balboni, Hills 21: Municipal and County Government)
9, K 407
- HB 1291**, relative to automobile insurance coverage for drivers in the same household as the policyholder. (Balboni, Hills 21: Commerce)
9, K 611
- HB 1292**, relative to the application of the capital murder statute. (Bettencourt, Rock 4; et al: Criminal Justice and Public Safety)
9, K 387
- HB 1293**, establishing a procedure for towns to change county affiliation. (Gale, Sull 3: Municipal and County Government)
9, SO 835, K 894-895
- HB 1294**, relative to antique snowmobiles. (Morrow, Carr 3; et al: Fish and Game)
9, rem 237, SO 322, 376, 482, am 506-507, psd 521, conc S am 1059, enr 1183 (Chapter 99)
- HB 1295**, requiring disclosure regarding brake shift interlock by automobile dealers. (W. P. Campbell, Straf 3; et al: Commerce)
new title: requiring notification regarding brake shift interlock and key positions by automobile dealers to consumers.

2nd new title: relative to notice brake shift interlock and key positions by automobile dealers to consumers.

10, SO 772, am 834-835, psd & remarks printed 835-836, conc S am 1225, enr 1263 (Chapter 201)

HB 1296, relative to the voluntary scrapie flock certification program. (Rausch, Rock 5: Environment and Agriculture)

10, psd 242, 322, S conc 836, enr 1010 (Chapter 26)

HB 1297, relative to requirements for a vehicle dealer license. (Rowe, Hills 6: Transportation)
10, K 552

HB 1298, establishing a commission to evaluate disciplinary procedures of the board of medicine. (Rowe, Hills 6; et al: Executive Departments and Administration)

new title: establishing a study committee to evaluate disciplinary procedures of the board of medicine.

10, am 634-635, psd 725, nonconc S am 1232

HB 1299, establishing a medical malpractice insurance study commission. (Rowe, Hills 6; et al: Commerce)

10, K 525

HB 1300, *not introduced*.

HB 1301-L, relative to the purchase of conservation, preservation, and agricultural preservation restrictions. (Newton, Straf 1; et al: Municipal and County Government)

10, study 663

HB 1302, relative to hunting in the town of Bow. (E. Anderson, Merr 13; et al: Fish and Game)

10, K 530

HB 1303-FN, requiring sex offenders to renew their drivers' licenses annually. (Langley, Rock 18; et al: Transportation)

10, study 416

HB 1304-FN, relative to the scope of registration of lobbyists and statements of lobbying activities. (P. Sullivan, Hills 10; et al: Election Law)

10, SO 835, study 868

HB 1305-L, relative to license fees charged by municipalities for coin operated amusement devices. (P. Sullivan, Hills 10: Municipal and County Government)

new title: authorizing cities to adopt certain bylaws and ordinances relative to businesses obtaining city permits.

2nd new title: authorizing municipalities to adopt regulations relative to businesses obtaining municipal permits.

10, am 408, psd 481, conc S am 1231, enr 1263 (Chapter 202)

HB 1306, relative to threats made by pupils against a school. (Cloutier, Sull 4; et al: Education)

10, K 528

HB 1307, relative to application requirements for motor vehicle recycling yard licenses. (Bergeron, Hills 27; et al: Transportation)

10, am 581, psd 596, S conc 1097, enr 1183 (Chapter 100)

HB 1308, establishing a commission to study revising the New Hampshire special education statutes. (Prichard, Sull 1; et al: Education)

10, K 528

HB 1309, relative to commercial driver licenses when the license holder fails a drug or alcohol test. (Villeneuve, Hills 18; et al: Transportation)

10, K 416

- HB 1310**, relative to strikes by public employees. (Weed, Ches 3: Labor, Industrial and Rehabilitative Services)
10, SO 772, K 814
- HB 1311-FN-A**, relative to the electronic filing of reports and applications with the secretary of state and relative to certain fees paid to the secretary of state. (Weed, Ches 3; et al: Election Law)
new title: relative to the electronic filing of reports and applications with the secretary of state.
10, am & Ways and Means 391, am 1007, psd 1009, S nonconc 1218
- HB 1312**, relative to the definition of gift as it applies to elected officials. (Weed, Ches 3; et al: Election Law)
10, K 630
- HB 1313**, naming a bridge between the towns of Newfields and Stratham the United States Submarine Veterans of World War II Memorial Bridge. (Gilbert, Rock 12; et al: Public Works and Highways)
10, psd 549, 596, S conc 1056, enr 1158 (Chapter 80)
- HB 1314**, relative to an adult roles and responsibilities curriculum. (French, Merr 5; et al: Education)
10, SO 835, K (RC) 865-868
- HB 1315**, relative to the definition and classification of dams. (R. Cooney, Rock 4; et al: Resources, Recreation and Development)
new title: relative to the definition and classification of dams and relative to the acceptance of Jericho Lake dam and dike in Berlin.
2nd new title: relative to the definition and classification of dams, the acceptance of Jericho Lake dam and dike in Berlin, the fish and game department's acquisition of property rights to Big Brook Bog dam in Pittsburg, and the study of potential sources of funding for the repair and maintenance of dams by the state.
10, am 673-674, psd 726, nonconc S am, conf 1224, 1242 rep adop 1262, 1277, enr am 1293, enr 1298, committee amended 1343 (Chapter 306)
- HB 1316**, exempting records of the National Animal Identification System from the right-to-know law. (Babson, Carr 3; et al: Judiciary)
10, K 545
- HB 1317**, relative to the eradication of exotic aquatic weeds. (Drisko, Hills 5; et al: Resources, Recreation and Development)
new title: relative to the control or eradication of exotic aquatic weeds and requiring a review by the department of agriculture, markets, and food, the department of environmental services, the fish and game department, and the department of resources and economic development, evaluating the current permitting process for special permits for aquatic applications of pesticides to control or eradicate exotic aquatic weeds and making recommendations to improve the process.
10, am 674-675, psd 726, S conc 1218, enr 1243, committee amended 1343 (Chapter 144)
- HB 1318**, relative to prohibiting services for illegal immigrants. (Buhlman, Hills 27; et al: Health, Human Services and Elderly Affairs)
10, rem 237, SO 322, 376, 482, K 507-508
- HB 1319-FN-A**, decreasing the rate of the tobacco tax. (Buhlman, Hills 27; et al: Ways and Means)
10, K 516
- HB 1320**, relative to penalties for planning and zoning violations. (Buhlman, Hills 27: Municipal and County Government)
10, psd 663, 726, S conc 1097, enr 1183 (Chapter 101)
- HB 1321**, relative to qualifications for police chiefs in towns with populations of more than 3,000. (Solomon, Graf 10; et al: Municipal and County Government)
11, rem 237, SO 322, 376, K 458

- HB 1322**, relative to the establishment of allodial rights. (Marple, Merr 9; et al: Judiciary)
11, rem 525, SO 594-595, K 690
- HB 1323**, relative to the statement of purpose in the statewide education improvement and assessment program. (Marple, Merr 9; et al: Education)
11, K 564
- HB 1324**, relative to leasing the Cannon Mountain ski area. (O'Neil, Rock 15; et al: Resources, Recreation and Development)
new title: relative to the commission to study the state park system.
11, SO 772, am 817, psd 835, S conc 1056, enr 1158, House member added 1343 (Chapter 82)
- HB 1325**, relative to state regulation of martial arts schools. (Holden, Hills 7; et al: Commerce)
11, study 525
- HB 1326**, relative to donation of compensation by members of the general court. (L. Christiansen, Hills 27; et al: Legislative Administration)
11, K 659
- HB 1327**, requiring a vote by the tenants who are owners of manufactured housing park units prior to purchase of the manufactured housing park by the tenant or tenants' association. (Emerton, Hills 7; et al: Commerce)
11, K 611
- HB 1328-FN**, relative to motor vehicle inspections. (Vaillancourt, Hills 15; et al: Transportation)
11, K (RC) 581-583
- HB 1329-FN-A-L**, repealing the provision allowing operators to retain 3 percent of meals and rooms taxes collected. (Vaillancourt, Hills 15; et al: Ways and Means)
11, SO 772, K (RC) 828-831
- HB 1330**, clarifying the laws relative to municipal enrollment in the National Flood Insurance Program and relative to adopting flood insurance rate map amendments. (Rodeschin, Sull 2; et al: Municipal and County Government)
11, psd 664, 726, S conc 1097, enr am 1239, enr 1244 (Chapter 176)
- HB 1331**, establishing a committee to study the Temporary Assistance to Needy Families (TANF) reauthorization. (Dalrymple, Rock 4: Health, Human Services and Elderly Affairs)
new title: relative to the New Hampshire Temporary Assistance to Needy Families (TANF) program.
2nd new title: relative to the New Hampshire Temporary assistance to Needy Families (TANF) program and making an appropriation therefor.
11, am 533-541, rules suspended & Finance 595, am 837-843, psd 899, nonconc S am, conf 1222, 1234, conferee change 1243, rep adop 1262, (RC) 1277-1279, enr am 1295-1296, enr 1298, appointments 1350 (Chapter 325)
- HB 1332**, establishing a commission to study health care in New Hampshire prisons. (Hamm, Merr 4; et al: Health, Human Services and Elderly Affairs)
new title: establishing a commission to study health care in New Hampshire correctional facilities.
11, am 251-252, psd 323, nonconc S am, conf 1222, 1234, rep adop 1262, 1279 (unable to agree)
- HB 1333**, relative to solid waste reduction goals. (Phinizy, Sull 5; et al: Environment and Agriculture)
11, am (RC) 707-710, psd 726, S nonconc 1218
- HB 1334**, establishing a committee to study the effect on the unemployment compensation trust fund of employers with negative balance separate accounts. (Bishop, Rock 2; et al: Labor, Industrial and Rehabilitative Services)
11, psd 406, 481, nonconc S am, conf 1223, 1234, conferee change 1243, 1244, (no report filed), Clerk's note 1315

- HB 1335**, relative to the authority of law enforcement officers during a state of emergency. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
new title: relative to the authority of law enforcement officers during a state of emergency and prohibiting the taking of arms and ammunition in a declared state of emergency.
2nd new title: relative to the authority of law enforcement officers during a state of emergency.
11, rem 525, SO 594-595, am (RC) 682-685, psd 726, conc S am 1226, enr am 1290, enr 1292 (Chapter 280)
- HB 1336**, relative to administrators of estates. (Cady, Rock 1; et al: Judiciary)
11, SO 835, K 888
- HB 1337**, relative to the regulation of carnival and amusement ride operators. (Splaine, Rock 16: Commerce)
new title: establishing the amusement ride safety advisory board.
11, vac Executive Departments and Administration 29, am 635-636, psd 725, conc S am 1227, enr 1263 (Chapter 203)
- HB 1338**, relative to medical malpractice insurance rates. (Phinizy, Sull 5; et al: Commerce)
11, K 611
- HB 1339**, relative to voting procedures for local land use boards. (Mirski, Graf 10; et al: Municipal and County Government)
11, K 664
- HB 1340**, relative to references to "United States citizen" in the New Hampshire statutes. (Marple, Merr 9; et al: Judiciary)
11, K 657
- HB 1341**, relative to the use of land for hunting. (Kennedy, Merr 4: Fish and Game)
11, K 530
- HB 1342**, relative to the development of land and cutting of trees on land surrounding burial grounds and cemeteries. (Keans, Straf 1; et al: Municipal and County Government)
11, SO 729, K 741
- HB 1343**, establishing a committee to study the administration and jurisdiction of the council on resources and development. (Chandler, Carr 1; et al: Resources, Recreation and Development)
new title: relative to the duties of the council on resources and development.
2nd new title: relative to the duties of the council on resources and development, and making bonded appropriations to the department of environmental services and the New Hampshire veterans' home.
11, vac Public Works and Highways 30, SO 729, am 742-744, psd 772, nonconc S am, conf 1223, 1242, rep adop 1262, 1279, enr am 1293, enr 1298 (Chapter 307)
- HB 1344**, relative to a certain highway project in Merrimack. (Calawa, Hills 27; et al: Public Works and Highways)
11, study 669
- HB 1345**, establishing a commission to study community relations between the town of Plymouth and Plymouth state university. (Naro, Graf 7; et al: Municipal and County Government)
12, SO 729, K 741-742
- HB 1346**, requiring certain persons to keep the contents of prescriptions confidential. (Rosenwald, Hills 22; et al: Health, Human Services and Elderly Affairs)
new title: requiring certain persons to keep the contents of prescriptions confidential.
12, am 541-542, psd 595, conc S am 1230, enr 1292 (Chapter 328)
- HB 1347**, relative to licensure, registration, or certification of regulated professions. (Patten, Carr 4; et al: Executive Departments and Administration)
12, study 636

HB 1348, requiring hunters to wear hunter orange. (Patten, Carr 4: Fish and Game)
12, K 246

HB 1349, relative to costs of personnel and rates for equipment use in hazardous waste incidents. (Patten, Carr 4; et al: Finance)
12, vac Criminal Justice and Public Safety 158, psd 619, 725, conc S am 1059, enr 1183 (Chapter 102)

HB 1350, *not introduced*.

HB 1351, relative to the rulemaking process. (Patten, Carr 4; et al: Executive Departments and Administration)
12, am 636-639, psd 725, S conc 1218, enr 1243, committee amended 1343, appointments 1345 (Chapter 145)

HB 1352, relative to the placement of regional electronic toll collection system transponder readers. (Dickinson, Carr 1; et al: Public Works and Highways)
12, K 669

HB 1353, relative to addresses on motor vehicle registrations. (Almy, Graf 11: Transportation)
12, study 680

HB 1354, relative to physical force in defense of a person. (Dickinson, Carr 1; et al: Judiciary)
12, vac Criminal Justice and Public Safety 98, rem 600, SO 729, 755, 835, K (RC) 860-862

HB 1355, permitting the use of certain campers or recreational vehicles in manufactured housing parks. (Belanger, Rock 4; et al: Commerce)
12, K 611

HB 1356, relative to on-board diagnostic system inspections. (Dickinson, Carr 1; et al: Transportation)
12, am 680, psd 726, S conc 1056, enr 1158 (Chapter 83)

HB 1357, changing the name of the joint committee on legislative facilities and codifying the powers and duties of the committee. (Dickinson, Carr 1; et al: Legislative Administration)
new title: relative to the legislative facilities committee.
12, am 659-660, psd 726, S conc 1218, enr 1243, committee amended 1344 (Chapter 146)

HB 1358, establishing an investigatory commission for unethical conduct in state government. (Buzzell, Coos 4: Executive Departments and Administration)
12, K 243

HB 1359-FN, establishing a committee to study case management responsibility for certain elderly and adult services. (Buzzell, Coos 4: Health, Human Services and Elderly Affairs)
12, K 252

HB 1360-FN-L, relative to law enforcement accounts in the regional electronic toll collection system. (R. L'Heureux, Hills 19; et al: Public Works and Highways)
12, K 669

HB 1361, relative to the penalty for shoplifting. (Winchell, Rock 6; et al: Criminal Justice and Public Safety)
12, am 387-388, psd 481, S conc 1056, enr 1158 (Chapter 84)

HB 1362, relative to permitting audio and video recording on school buses. (Winchell, Rock 6; et al: Education)
12, SO 322, am (2RCs) 371-376, psd 377, recon rej 377, S conc 1018, enr 1097 (Chapter 69)

HB 1363, relative to financial statements used to determine child support obligations. (Jennifer Brown, Straf 5; et al: Children and Family Law)
12, K 239

- HB 1364**, establishing a commission to study the best use and possible transfer of certain state-owned land in the town of Brentwood. (Buxton, Rock 10; et al: Public Works and Highways) 12, K 257
- HB 1365**, relative to public pooled risk management. (Snyder, Straf 2; et al: Commerce) 13, K 611
- HB 1366**, relative to a planning board's authority to require public access to open space as a condition of subdivision approval. (W.P. Campbell, Straf 3: Municipal and County Government) 13, SO 835, psd 895, 900, S nonconc 1218
- HB 1367**, prohibiting vehicle number plate covers that obscure the plate numbers. (Morris, Rock 14: Transportation) 13, K 261
- HB 1368**, requiring elementary school instruction in proverbs. (Morris, Rock 14: Education) 13, K 240
- HB 1369**, relative to the posting of signs restricting the bearing of arms. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety) 13, K 620
- HB 1370**, transferring certain surplus moneys to the revenue stabilization reserve account. (Major, Rock 8; et al: Finance) 13, SO 322, 376, 482, psd 505, 521, S conc & enr 1012 (Chapter 35)
- HB 1371**, relative to requiring approval for extended absences for elected county officers. (Babson, Carr 3: Municipal and County Government) 13, K 256
- HB 1372**, establishing a committee to study affordable and accessible health care services for all uninsured citizens of New Hampshire. (Morris, Rock 14: Commerce) 13, K 385
- HB 1373**, establishing a commission to study ways to encourage the proper recycling and disposal of grease trap wastes and to determine ways to develop additional disposal capacity. (Philbrick, Carr 2; et al: Environment and Agriculture) 13, am 710-711, psd 726, nonconc S am, conf 1221, 1234, rep adop 1262, 1279, enr 1291, appointments 1345 (Chapter 261)
- HB 1374**, establishing a committee to require personal information holders to disclose a security breach. (Ryan, Merr 2: Commerce) 13, study 560
- HB 1375**, *not introduced*.
- HB 1376**, relative to the duties of the legislative oversight committee on electric utility restructuring. (Ryan, Merr 2; et al: Science, Technology and Energy) 13, am 414, psd 482, S LT 1316
- HB 1377**, relative to certain mandatory minimum sentences. (Knowles, Straf 6; et al: Criminal Justice and Public Safety) 13, am 620, psd 725, S conc 1218, enr 1243 (Chapter 163)
- HB 1378**, establishing a committee to study the financial implications on local school districts when special education students attend charter schools. (Casey, Rock 11; et al: Education) 13, K 528
- HB 1379**, relative to the investment of trust funds. (Shattuck, Hills 1: Municipal and County Government) 13, SO 772, K 815

- HB 1380**, establishing the New Hampshire forensic science oversight commission. (Hammond, Graf 11; et al: Criminal Justice and Public Safety)
13, K 526
- HB 1381**, requiring the department of environmental services to do a criminal background check on any applicant for a permit. (Owen, Merr 4; et al: Executive Departments and Administration)
13, K 637
- HB 1382**, regulating the disclosure of personal information. (Kurk, Hills 7; et al: Judiciary)
13, K 545
- HB 1383-L**, defining deconstruction for purposes of solid waste management. (Tupper, Merr 6; et al: Science, Technology and Energy)
13, K 259
- HB 1384**, relative to standardizing the format for special education budgets. (Mead, Hills 4; et al: Education)
13, am, rules suspended & Finance (3RCs) 565-573, study (RC) 974-976
- HB 1385**, relative to nomination papers and the definition of "party." (Bicknell, Rock 1; et al: Election Law)
13, K 528
- HB 1386**, relative to exceptions to the prohibition on carrying and selling knives. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
13, am 620-621, psd 725, conc S am 1226, enr 1263 (Chapter 227)
- HB 1387**, relative to emergency management powers of the governor concerning medical and health care professionals from other jurisdictions. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
13, K 388
- HB 1388**, relative to tenant security deposits and termination of tenancy. (Bicknell, Rock 1; et al: Judiciary)
13, K 545
- HB 1389**, relative to firearms in locked vehicles. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
13, K 621
- HB 1390**, relative to official oppression. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
13, K 621
- HB 1391**, relative to the default budget in official ballot towns. (Weyler, Rock 8; et al: Municipal and County Government)
13, K 664
- HB 1392**, relative to school budget committee membership. (Weyler, Rock 8; et al: Municipal and County Government)
14, K 664
- HB 1393**, requiring horse owners to inoculate horses against eastern equine encephalitis. (Morris, Rock 14; et al: Environment and Agriculture)
14, K 392
- HB 1394**, relative to determination of value of property in current use. (Dickinson, Carr 1; et al: Environment and Agriculture)
14, am 631, psd 725, S conc 1097, enr 1183 (Chapter 103)
- HB 1395**, relative to public drinking water protection. (M. Martin, Hills 26; et al: Resources, Recreation and Development)
14, study 675

- HB 1396**, relative to competency of juvenile offenders. (Knowles, Straf 6; et al: Children and Family Law)
14, K 239
- HB 1397**, prohibiting an agency from adopting rules over the objection of the joint legislative committee on administrative rules. (Kennedy, Merr 4: Executive Departments and Administration)
14, K 637
- HB 1398**, relative to titles for motor vehicles of a certain age. (Hagan, Hills 17; et al: Transportation)
14, rem 379, K 520
- HB 1399**, relative to the compensation paid to directors or officers of a charitable trust. (Hagan, Hills 17; et al: Commerce)
14, rem 600, SO 729, K 752
- HB 1400**, *not introduced*.
- HB 1401**, exempting certain all terrain vehicle (ATV) and trail bike trail criteria from the change in use designation of rail trails. (B. Richardson, Ches 5; et al: Resources, Recreation and Development)
14, SO 322, 376, 482, K 509
- HB 1402**, defining "occupant" for purposes of liability for construction or maintenance of recreational trails. (Stohl, Coos 1; et al: Resources, Recreation and Development)
new title: establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use, and establishing a committee to study the standard of care applicable to landowners, lessees, and occupants for the use of public recreational land.
2nd new title: establishing the standard of care for certain individuals or nonprofit entities in constructing, maintaining, or improving trails for public recreational use.
14, am 163-165, psd 233, conc S am 343, enr 377 (Chapter 5)
- HB 1403**, relative to explanations of proposed constitutional amendments appearing on the ballot. (Itse, Rock 9; et al: Election Law)
14, psd (RC) 704-706, 726, S nonconc 1219
- HB 1404**, relative to breach of security of computerized personal information. (Stepanek, Hills 6; et al: Commerce)
14, K 560
- HB 1405**, relative to the schedule for the adoption, revision, and amendment of municipal charters. (Brundige, Hills 19; et al: Municipal and County Government)
14, study 664
- HB 1406-FN**, adding to the penalty provisions of the controlled drug act and relative to fines for violations of the controlled drug act. (Hinkle, Hills 19; et al: Criminal Justice and Public Safety)
14, study 388
- HB 1407-FN-A**, relative to funding exotic aquatic weeds eradication and control. (Drisko, Hills 5; et al: Resources, Recreation and Development)
14, Ways and Means 413, psd 682, 726, nonconc S am, conf 1224, 1242, rep adop 1262, 1279, enr 1292 (Chapter 281)
- HB 1408-FN**, allowing reserve and national guard members returning to New Hampshire after full-time active duty to take courses tuition free at any community-technical institute or college. (Baroody, Hills 13: Education)
14, K 240
- HB 1409-FN**, relative to organ and tissue donation. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)
14, rem 237, SO 322, 376, 482, am 508, psd 521, S LT 1316

- HB 1410-FN-L**, relative to the cost to counties of convicted inmates awaiting sentencing in a county correctional facility. (Dickinson, Carr 1; et al: Criminal Justice and Public Safety)
14, psd 388, 481, nonconc S am 1232
- HB 1411-FN**, reducing certain fines for motor vehicle violations and repealing the surcharge on entry fees for small claims actions and the district court mediation fund. (Vaillancourt, Hills 15; et al: Judiciary)
14, K 255
- HB 1412-FN**, establishing a remedy for failing to file a copy of the annual town report with the department of education. (Marple, Merr 9; et al: Education)
14, K 390
- HB 1413-FN**, relative to daylight saving time. (Schmidt, Straf 4: Commerce)
14, K 239
- HB 1414-FN**, relative to the protection of personal information by mandatory notice of security breach. (Maxfield, Merr 6; et al: Commerce)
14, K 461
- HB 1415-FN-A**, establishing the office of corrections ombudsman. (Gilbert, Rock 12; et al: Executive Departments and Administration)
14, study 394
- HB 1416-FN-A**, relative to the promotion, acquisition, and retention of a large animal veterinarian in the North Country, and making an appropriation therefor. (Babson, Carr 3; et al: Environment and Agriculture)
15, study 392
- HB 1417-FN**, establishing gold star number plates. (Bettencourt, Rock 4; et al: Transportation)
new title: establishing gold star number plates and relative to special number plates for veterans.
15, am (2RCs) 584-588, motion to print remarks rej 595, psd 596, conc S am 1231, enr am 1289, enr 1291 (Chapter 262)
- HB 1418-FN**, relative to road toll refunds. (D. L. Christensen, Hills 19; et al: Ways and Means)
15, am 589, psd 596, S conc 1018, enr 1097 (Chapter 58)
- HB 1419-FN**, relative to mandatory mediation in divorce proceedings. (Nowe, Rock 9; et al: Children and Family Law)
new title: relative to mediation in divorce proceedings.
15, am 379-380, psd 481, conc S am 1185, enr 1243 (Chapter 147)
- HB 1420-FN**, prohibiting remote control and Internet hunting. (Nowe, Rock 9; et al: Fish and Game)
new title: prohibiting remote control and Internet hunting and relative to exceptions to the prohibitions on the sale of firearms to minors and the furnishing of arms to persons under 16.
15, am & Criminal Justice and Public Safety 246, am 621-622, psd 725, conc S am 1059, enr 1183 (Chapter 73)
- HB 1421-FN**, relative to campaign contributions and expenditures. (Splaine, Rock 16; et al: Election Law)
15, study 630
- HB 1422-FN**, relative to the death penalty. (Splaine, Rock 16; et al: Criminal Justice and Public Safety)
15, K (RC) 466-469
- HB 1423-FN**, relative to prorating the initial registration fee for off highway recreational vehicles. (King, Coos 1; et al: Fish and Game)
15, K 531

- HB 1424**, relative to persons permitted to attend child abuse and neglect hearings. (Gargas, Hills 5; et al: Children and Family Law)
15, am 380, psd 481, conc S am 1225, enr 1263 (Chapter 228)
- HB 1425**, establishing a commission to study the efficacy of current laws in reducing exposure of children to lead hazards. (DeVries, Hills 15; et al: Science, Technology and Energy)
15, K 550
- HB 1426**, granting a right-of-way over and a license to use certain parcels of state-owned land. (Bouchard, Merr 11; et al: Public Works and Highways)
new title: granting a right-of-way over state-owned land.
15, SO 772, am 816, psd 835, nonconc S am, conf 1223, 1242, rep adop 1262, 1279, enr 1291 (Chapter 263)
- HB 1427**, relative to the principles for developmentally disabled services. (Butcher, Ches 3; et al: Health, Human Services and Elderly Affairs)
new title: relative to guiding principles for developmentally disabled services.
15, am 404, psd 481, conc S am 1230, enr 1263 (Chapter 229)
- HB 1428**, relative to the duties of the advisory committee on the education of children/students with disabilities. (Hagan, Hills 17; et al: Education)
15, K 528
- HB 1429**, relative to municipal exemptions for hazardous waste cleanup liability. (Whalley, Belk 5; et al: Environment and Agriculture)
new title: relative to municipal exemptions for hazardous waste cleanup liability and preventing the exemption of privately-owned landfills and ancillary facilities from property taxes.
15, am 631-632, psd 725, nonconc S am, conf 1221, 1234, conferee changes 1243, 1244, rep adop 1262, 1279, enr 1292 (Chapter 282)
- HB 1430**, allowing cities, towns, and counties to adopt an October 1 fiscal year. (D. L. Christensen, Hills 19; et al: Municipal and County Government)
15, K 664-665
- HB 1431**, relative to air permit applications. (Kennedy, Merr 4: Science, Technology and Energy)
15, K 551
- HB 1432**, establishing a commission on special education funding. (Kennedy, Merr 4; et al: Education)
15, K 390
- HB 1433**, establishing a committee to study secured landfills. (Kennedy, Merr 4: Environment and Agriculture)
new title: establishing a committee to study secured landfills and establishing a moratorium on the incineration of construction and demolition waste.
2nd new title: establishing a moratorium on the incineration of construction and demolition waste.
15, am 711-712, psd 727, conc S am 1227, enr 1244 (Chapter 186)
- HB 1434**, establishing a study committee to investigate municipal tax exemptions for nursing homes. (Soltani, Merr 8; et al: Municipal and County Government)
15, K 256
- HB 1435**, relative to the emergency plan for service dogs and other animals. (Crane, Hills 21; et al: Criminal Justice and Public Safety)
new title: relative to the emergency plan for service animals.
2nd new title: relative to the emergency plan for service animals and establishing a commission to study the evacuation and housing of animals during an emergency.
15, am 526, psd 595, conc S am 1226, enr 1263, appointments 1345-1346 (Chapter 230)

- HB 1436-L**, authorizing municipal and county biennial budgets for a 24-month period. (Biundo, Hills 15; et al: Municipal and County Government)
15, am 408, psd 481, S conc 1218, enr 1243 (Chapter 148)
- HB 1437**, establishing a committee to study the effects of current state and federal laws on illegal drugs and the possession and use of such drugs. (Ingbreton, Graf 5: State-Federal Relations and Veterans Affairs)
15, psd 516, 521, S nonconc 1219
- HB 1438-FN**, relative to mandatory recycling of solid waste. (Kennedy, Merr 4: Environment and Agriculture)
15, K 632
- HB 1439**, relative to petitioned zoning ordinance amendments. (D. Campbell, Hills 24: Municipal and County Government)
15, study 408
- HB 1440**, prohibiting the sale of certain pets. (J. Tilton, Merr 6; et al: Commerce)
15, K 385
- HB 1441**, relative to the procedure for amending a municipal charter. (Biundo, Hills 15; et al: Municipal and County Government)
15, K 665
- HB 1442**, relative to identifying legislative enactments as public policy. (Marple, Merr 9; et al: Legislative Administration)
16, K 660
- HB 1443**, relative to priorities for development of all terrain (ATV) and trail bike trails. (Spang, Straf 7; et al: Resources, Recreation and Development)
16, SO 835, K 898-899
- HB 1444**, relative to definitions under the real estate transfer tax. (Major, Rock 8; et al: Ways and Means)
16, psd 553, 596, S conc 1218, enr 1243 (Chapter 149)
- HB 1445**, relative to including "none of the above" on official ballot budgetary questions. (Dumaine, Rock 3; et al: Municipal and County Government)
16, K 548
- HB 1446**, establishing requirements for the development of a regional all terrain vehicle (ATV) park in the city of Berlin. (P. McMahon, Merr 3; et al: Resources, Recreation and Development)
new title: requiring the department of resources and economic development to prepare and submit a management and financial plan to the general court and the public prior to the opening of the Berlin regional ATV park.
16, am 675-676, psd 726, S LT 1316
- HB 1447**, requiring a New Hampshire bank to credit a customer's account within 24 hours of notification that a check is good. (Dickinson, Carr 1; et al: Commerce)
16, K 611
- HB 1448**, relative to the applicability of drivers' license revocations for drugs or alcohol involvement. (Knowles, Straf 6; et al: Transportation)
new title: relative to the applicability of drivers' license revocations for drugs or alcohol involvement and relative to the medical/vision advisory board.
16, am 680-681, psd 726, conc S am 1231, enr 1263 (Chapter 204)
- HB 1449-FN-L**, requiring a reduced property assessment when a building is damaged. (Lasky, Hills 26: Municipal and County Government)
16, K 665

HB 1450, not introduced.

HB 1451-FN-L, requiring a prorated assessment of new construction in the year completed. (Lasky, Hills 26: Municipal and County Government)
16, K 665

HB 1452-FN, requiring insurance coverage for the cost of testing for bone marrow donation. (N. Johnson, Straf 3; et al: Commerce)
16, am 771-772, psd 772 S conc 1056, enr am 1239, enr 1244 (Chapter 187)

HB 1453-FN, relative to fireworks. (L. Christiansen, Hills 27: Criminal Justice and Public Safety)
16, K 388

HB 1454-FN, relative to delivery sales of cigarettes. (Marshall Quandt, Rock 13; et al: Commerce)
16, SO 322, K 371

HB 1455-FN-A, relative to the recovery, reuse, and recycling of used electronic devices. (Butcher, Ches 3; et al: Environment and Agriculture)
new title: relative to the disposal of video display devices.
16, am 632-633, psd 725, S conc 1018, enr am 1239, enr 1244 (Chapter 171)

HB 1456-FN, relative to licensure of septic system inspectors. (R. Cooney, Rock 4; et al: Executive Departments and Administration)
16, rem 237, SO 322, 376, 482, rcmt 505, K 637

HB 1457-FN-A-L, establishing an electricity transmission utility property tax. (Kurk, Hills 7; et al: Ways and Means)
16, K (RC) 496-499

HB 1458-FN, relative to the regulation of landscape architects. (Bergin, Hills 6; et al: Executive Departments and Administration)
16, am 395-400, psd 481, S conc 1218, enr am 1244-1245, enr 1288 (Chapter 246)

HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. (Weyler, Rock 8; et al: Finance)

new title: making an appropriation to the department of regional community-technical colleges for tuition maintenance; authorizing the temporary use of the department of regional community-technical colleges nonlapsing account for tuition maintenance; and making a bonded capital appropriation to the department of regional community-technical colleges for construction of a health education center nursing wing at the New Hampshire technical institute in Concord.

2nd new title: making an appropriation to the department of regional community-technical colleges for tuition maintenance; authorizing the temporary use of the department of regional community-technical colleges' nonlapsing account for tuition maintenance; and authorizing the use of the department of regional community-technical colleges' nonlapsing account for construction of a health education center nursing wing at the New Hampshire technical institute of Concord.

16, am (RC) 978-980, psd 1008, nonconc S am, conf 1222, 1234, rep adop 1262, 1279, enr am 1292, enr 1298 (Chapter 323)

HB 1460-FN-A, establishing a deduction against the business profits tax. (Jasper, Hills 27: Ways and Means)
16, K 553

HB 1461, establishing a task force to study Temporary Assistance to Needy Families (TANF) benefits. (Wallner, Merr 12; et al: Health, Human Services and Elderly Affairs)

new title: establishing a task force to study Temporary Assistance to Needy Families (TANF).
16, psd 252, 323, conc S am 1230, enr 1288, appointments 1346 (Chapter 247)

HB 1462-FN-L, placing a temporary moratorium on the issue of certain water permits. (Cilley, Straf 3; et al: Resources, Recreation and Development)
16, K 676

- HB 1463-FN**, relative to boating and water safety. (D.L. Christensen, Hills 19; et al: Resources, Recreation and Development)
16, am 676-677, psd 726, nonconc S am, conf 1224, 1242, rep adop 1262, 1280, enr 1292 (Chapter 283)
- HB 1464-FN-A-L**, relative to mosquito control, establishing a mosquito control fund and making an appropriation therefor. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)
new title: relative to mosquito control, establishing a mosquito control fund, making an appropriation therefor, and relative to a public health response to arbovirus.
16, am & Finance 252-253, am 981-982, psd 1008, conc S am 1230, enr am 1289, enr 1292, appointments 1346-1347 (Chapter 284)
- HB 1465-FN**, relative to food stamp overpayments. (Donovan, Sull 4; et al: Health, Human Services and Elderly Affairs)
16, am 542, psd 595, S conc 1056, enr 1158 (Chapter 85)
- HB 1466-FN**, relative to registration of slow-moving vehicles. (Babson, Carr 3: Transportation)
17, study 681
- HB 1467-FN**, requiring the registration of drug offenders. (Hinkle, Hills 19; et al: Criminal Justice and Public Safety)
17, K 388
- HB 1468-FN-L**, relative to Reservoir Road in the town of Deering. (Adams, Hills 2: Public Works and Highways)
new title: relative to Reservoir Road in the town of Deering and Lyme Road in the town of Hanover.
17, am 257-258, psd 323, S conc 836, enr 1010 (Chapter 16)
- HB 1469-FN**, requiring hospitals to make the price of certain common procedures available to the public. (Marshall Quandt, Rock 13; et al: Commerce)
17, K 611
- HB 1470**, relative to overweight vehicle permit fees. (Graham, Hills 18; et al: Transportation)
17, am & Ways and Means 496, psd 844, 900, conc S am 1231, enr 1263 (Chapter 231)
- HB 1471-FN**, repealing the statutes relative to regional highway conferences. (Rausch, Rock 5; et al: Public Works and Highways)
17, psd 258, 323, S conc & enr 1010 (Chapter 27)
- HB 1472-FN-A**, establishing a home energy assistance program in the department of health and human services and making an appropriation therefor. (Kurk, Hills 7; et al: Health, Human Services and Elderly Affairs)
17, K 253
- HB 1473-FN-A**, temporarily reducing the road toll. (Hagan, Hills 17; et al: Ways and Means)
17, rem 237, SO 322, 376, 482, K 509-510
- HB 1474-FN**, relative to unemployment compensation contribution rates and benefits. (Bridle, Rock 15; et al: Labor, Industrial and Rehabilitative Services)
new title: relative to unemployment compensation contribution rates and benefits and establishing a commission to investigate the feasibility of merging the department of employment security into the department of labor.
17, Finance 406. SO 899, psd 969, 1008, nonconc S am, conf 1223, 1234, rep adop 1262, 1280, enr am 1296, enr 1298, appointments 1347 (Chapter 308)
- HB 1475**, *not introduced*.
- HB 1476**, relative to electronic tracking and monitoring of sexual offenders. (Pantelakos, Rock 16; et al: Criminal Justice and Public Safety)
17, study 389

- HB 1477**, implementing the federal Law Enforcement Officers Safety Act of 2004. (Pepino, Hills 11: State-Federal Relations and Veterans Affairs)
17, psd 516, 521, S conc 1218, enr am 1245, enr 1288 (Chapter 248)
- HB 1478**, relative to penalties for employers who give false or incomplete required information about employees to the department of employment security and establishing an amnesty period for certain unpaid contributions. (Infantine, Hills 13; et al: Labor, Industrial and Rehabilitative Services)
17, Ways and Means 406-407, psd 682, 726, S conc 1218, enr 1226 (Chapter 129)
- HB 1479**, relative to debris and solid waste removal at manufactured housing parks. (Phinizy, Sull 5; et al: Environment and Agriculture)
17, K 633
- HB 1480**, amending the provisions relative to registration of criminal offenders. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
17, am 622, psd 725, S conc 1218, enr 1243 (Chapter 162)
- HB 1481**, establishing a moratorium period for lobbying by certain state officers. (P. Sullivan, Hills 10; et al: Election Law)
17, rem 601, SO 729, study (RC) 755-758
- HB 1482**, relative to false information provided in connection with registering a motor vehicle belonging to a foreign national. (Renzullo, Hills 27; et al: Criminal Justice and Public Safety)
17, K 622
- HB 1483**, authorizing vehicle licensing, title, and registration recovery fees by motor vehicle rental companies. (Packard, Rock 3: Commerce)
17, K 525-526
- HB 1484**, relative to including motorcycle safety in driver education courses. (Packard, Rock 3; et al: Transportation)
new title: relative to including motorcycle and tractor-trailer safety in driver education courses.
17, am 552-553, psd 596, S conc 1018, enr 1097 (Chapter 59)
- HB 1485**, establishing a commission to study the feasibility of forming self-insurance groups for medical malpractice. (Mitchell, Ches 7; et al: Commerce)
17, K 612
- HB 1486**, relative to the definition of "moped." (Thomas, Belk 5: Transportation)
17, K 416
- HB 1487**, relative to marriage licenses. (Scanlon, Hills 18; et al: Municipal and County Government)
17, am 665, psd 726, S conc 1018, enr 1158 (Chapter 86)
- HB 1488**, establishing a committee to study regulation of employers' self-insured group health plans. (Jennifer Brown, Straf 5; et al: Commerce)
17, K 612
- HB 1489**, relative to school emergency response plans. (Hammond, Graf 11: Education)
17, am 240-241, psd 322, S nonconc 1097
- HB 1490**, relative to procedures on ethics violations by legislators. (Owen, Merr 4: Election Law)
17, SO 835, K 868
- HB 1491**, establishing a committee to study the publicly owned treatment plant needs of New Hampshire. (Owen, Merr 4: Resources, Recreation and Development)
new title: extending certain deadlines relating to the Great Bay Estuary Commission.

2nd new title: extending certain deadlines relative to the Great Bay Estuary Commission and the Estuary Alliance for Sewage Treatment, and establishing a commission to study the publicly owned treatment plant needs of New Hampshire and state laboratory water tests and fees. 17, am 677, psd 726, nonconc S am, conf 1224, 1242, rep adop 1262, 1280, enr am 1293, enr 1298, report date extended 1343, appointments 1347 (Chapter 309)

HB 1492, granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill. (Hunter, Hills 7; et al: Judiciary)
17, SO 772, K (RC) 804-806

HB 1493, declaring that groundwater is part of the public trust. (Spang, Straf 7; et al: Resources, Recreation and Development)
18, study 677-678

HB 1494, relative to public use of groundwater. (Tupper, Merr 6; et al: Resources, Recreation and Development)
18, SO 772, K 817

HB 1495, relative to setback requirements for landfills located near rivers. (Tupper, Merr 6; et al: Resources, Recreation and Development)
18, am 998-1000, psd 1009, S LT 1316

HB 1496, establishing a right to work act which provides for freedom of choice on whether to join a labor union. (J. Wheeler, Hills 6; et al: Labor, Industrial and Rehabilitative Services)
18, SO 835, 893, K (RC) 914-917

HB 1497-L, assessing a fine against a school superintendent for late filings of school enrollment information. (W. P. Campbell, Straf 3: Education)
new title: relative to certification by a superintendent regarding statistical reports.
18, am 472-473, psd 482, S conc 1018, enr 1097 (Chapter 60)

HB 1498, establishing a risk management unit within the department of administrative services. (Coburn, Rock 4: Executive Departments and Administration)
new title: establishing a risk management unit within the department of administrative services and relative to the rulemaking authority of the department of administrative services.
18, am 243, psd 322, S conc 1018, enr 1097 (Chapter 70)

HB 1499, relative to the oversight committee on health and human services. (Coburn, Rock 4; et al: Health, Human Services and Elderly Affairs)
18, K 253

HB 1500, *not introduced*.

HB 1501, making various changes to the lottery commission. (Rep. Weyler, Rock 8; et al: Executive Departments and Administration)
18, am 401, psd 481, S nonconc 1219

HB 1502, relative to the use of surplus funds from the education trust fund. (Weyler, Rock 8; et al: Education)
18, K 473

HB 1503, relative to financial programs administered by the postsecondary education commission. (King, Coos 1; et al: Executive Departments and Administration)
18, psd 244, 323, S conc & enr 1010 (Chapter 28)

HB 1504-L, establishing a committee to study reimbursing towns for emergency services on interstate highways. (P. McMahon, Merr 3: Finance)
18, K 245

HB 1505, relative to private actions under the consumer protection act. (Hunt, Ches 7: Judiciary)
18, K 545

- HB 1506**, requiring children 12 years of age or under to wear personal flotation devices. (D. Campbell, Hills 24; et al: Resources, Recreation and Development)
18, rem 601, SO 729, am (2RCs) 762-768, psd 772, S LT 1316
- HB 1507**, requiring the department of environmental services to report on and make recommendations on global warming issues in New Hampshire. (Ryan, Merr 2; et al: Science, Technology and Energy)
18, K 259
- HB 1508**, relative to acceptance of applications by planning boards. (Patten, Carr 4: Municipal and County Government)
18, am 665-666, psd 726, nonconc S am, conf 1223, 1242, rep adop 1262, 1280, enr 1292 (Chapter 285)
- HB 1509**, relative to campaign expenditures for the office of governor. (Coburn, Rock 4: Election Law)
new title: relative to campaign expenditure and contribution limitations.
18, am 564-565, psd 596, S LT 1316
- HB 1510**, relative to leave of absences to serve as a legislator. (Cali-Pitts, Rock 16: Labor, Industrial and Rehabilitative Services)
18, rem 601, SO 729, K 759
- HB 1511**, relative to business replacement costs resulting from government program displacement. (Wendelboe, Belk 1: Judiciary)
18, study 406
- HB 1512**, relative to civil liability for volunteers. (Rodeschin, Sull 2; et al: Judiciary)
new title: establishing a committee to study volunteer activity related to transportation.
18, am 546, psd 596, nonconc S am 1232
- HB 1513**, requiring legislative approval for changes to the purpose of a special corporation. (Hagan, Hills 17; et al: Commerce)
18, K 612
- HB 1514-FN-A**, relative to the business enterprise tax credit allowed against the business profits tax. (Lasky, Hills 26; et al: Ways and Means)
18, K 417
- HB 1515-FN-A**, increasing the tobacco tax and dedicating certain tobacco tax revenues to the tobacco use prevention fund. (Almy, Graf 11; et al: Ways and Means)
18, K (RC) 589-592
- HB 1516**, relative to the modification and enforcement of child support orders. (Slocum, Hills 6; et al: Children and Family Law)
18, am 380-381, psd 481, nonconc S am, conf 1221, 1234, (no report filed), Clerk's note 1315
- HB 1517-FN**, relative to membership on the board of medicine and the medical review subcommittee. (Bergin, Hills 6; et al: Executive Departments and Administration)
18, am 637-638, psd 725, S conc 1018, enr 1097 (Chapter 61)
- HB 1518**, relative to the joint board of a school administrative unit. (Bergin, Hills 6; et al: Education)
18, K 528
- HB 1519**, relative to all-terrain vehicle and trail bike trails. (B. Richardson, Ches 5; et al: Resources, Recreation and Development)
18, SO 772, K 818
- HB 1520**, requiring certain information in the financial reports of counties. (Dokmo, Hills 6: Municipal and County Government)
18, K 666

- HB 1521**, requiring the appointment of alternate members to the juvenile parole board. (Itse, Rock 9: Executive Departments and Administration)
new title: relative to the membership of the juvenile parole board.
19, am 401, psd 481, S conc 1218, enr 1243 (Chapter 150)
- HB 1522**, relative to extended authority for law enforcement assistance. (Itse, Rock 9: Criminal Justice and Public Safety)
19, K 623
- HB 1523**, relative to certain rulemaking authority of the commissioner of environmental services. (Patten, Carr 4: Resources, Recreation and Development)
19, SO 835, psd 899, 900, S LT 1316
- HB 1524**, relative to regulation of dog training by the fish and game department. (Reed, Merr 2: Fish and Game)
19, K 246
- HB 1525**, relative to the safety of school bus stops. (C. Hamm, Merr 4; et al: Education)
19, K 701
- HB 1526**, relative to the composition of the medical review subcommittee of the medical review board. (Baroody, Hills 13; et al: Executive Departments and Administration)
19, psd 638, 725, S conc 1218, enr am 1245, enr 1288 (Chapter 249)
- HB 1527**, allowing municipalities to establish local community services and care planning boards. (Hager, Merr 12; et al: Municipal and County Government)
19, SO 772, K 815-816
- HB 1528**, establishing a committee to study the adequacy of consumer protection laws in New Hampshire. (Hager, Merr 12: Commerce)
19, K 612
- HB 1529**, establishing a committee to study the implementation and use of growth management ordinances. (Patten, Carr 4: Municipal and County Government)
19, K 666
- HB 1530**, naming the road to the supreme court and the administrative office of the courts Charles Doe Drive and naming the campus of the supreme court and the administrative office of the courts Charles Doe Place. (Chandler, Carr 1; et al: Public Works and Highways)
19, psd 670, 726, S conc 1218, enr 1243 (Chapter 151)
- HB 1531**, establishing a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program. (Ross, Hills 3: Science, Technology and Energy)
19, SO 772, K (RC) 819-821
- HB 1532**, revising the special education statutes. (S. L'Heureux, Merr 9; et al: Education)
19, study 629
- HB 1533**, relative to services provided by manufacturers and distributors of beer to beer retailers. (Hinkle, Hills 19: Commerce)
19, K 612
- HB 1534**, relative to maintaining construction and demolition debris as a solid waste. (Hamm, Merr 4; et al: Environment and Agriculture)
19, rem 601, SO 729, psd 759, 772, S nonconc 1219
- HB 1535**, relative to best available control technology rules. (C. Hamm, Merr 4; et al: Science, Technology and Energy)
19, K 414
- HB 1536**, relative to bonds required from persons excavating or disturbing certain highways. (Stohl, Coos 1; et al: Public Works and Highways)
19, am 670, psd 726, S conc 1097, enr am 1239, enr 1244 (Chapter 177)

- HB 1537**, relative to the procedure for resolving disputes regarding construction defects between homeowners and contractors. (Wall, Straf 7; et al: Commerce)
19, K 612
- HB 1538**, relative to penalties for toll evasion. (O'Neil, Rock 15: Criminal Justice and Public Safety)
19, K 389
- HB 1539**, establishing a committee to study the shortage in speech language services and the criteria for certification as a speech language specialist. (Naro, Graf 7; et al: Education)
19, am 241, psd 322, S LT 1316
- HB 1540**, establishing a committee to study the implementation of the regional electronic toll collection system. (Boyce, Belk 5: Public Works and Highways)
19, K 258
- HB 1541**, requiring applicants for large groundwater withdrawal permits to comply with local ordinances. (Cilley, Straf 3; et al: Resources, Recreation and Development)
19, SO 772, K 818
- HB 1542**, relative to responsible drug advertising. (DeJoie, Merr 11; et al: Commerce)
19, K 560-561
- HB 1543**, relative to protections for temporary workers. (DeJoie, Merr 11: Labor, Industrial and Rehabilitative Services)
19, study 658
- HB 1544**, establishing a committee to study the propriety of a university of New Hampshire employee working in and being paid by the governor's office. (Boyce, Belk 5; et al: Election Law)
19, K 630
- HB 1545**, requiring mediation as part of participation in a juvenile diversion program. (Morrison, Belk 2: Children and Family Law)
19, K 239
- HB 1546**, establishing a committee to study the application of the patients' bill of rights to all licensed health practitioners and their facilities. (Hunt, Ches 7; et al: Health, Human Services and Elderly Affairs)
new title: relative to patient information.
19, am 652, psd 725, S conc 1218, enr am 1245-1246, enr 1288 (Chapter 250)
- HB 1547**, clarifying what constitutes physical presence for purposes of establishing domicile under the election laws. (O'Brien, Hills 4; et al: Election Law)
20, study 630
- HB 1548**, relative to termination of tenancy. (O'Brien, Hills 4; et al: Judiciary)
20, SO 835, 888, K (RC) 991-994
- HB 1549**, excluding certain acts based on bona fide economic and public safety considerations from the prohibition against age discrimination in public accommodations. (O'Brien, Hills 4; et al: Commerce)
20, study 385
- HB 1550**, *not introduced*.
- HB 1551**, establishing a committee to study incentives for reducing consumer solid waste for disposal in landfills and incinerators. (Tupper, Merr 6; et al: Environment and Agriculture)
20, study 712
- HB 1552**, relative to the authority of land surveyors to enter onto land to make surveys. (O'Neil, Rock 15; et al: Judiciary)
20, K 546

- HB 1553**, relative to electioneering. (Kennedy, Merr 4: Election Law)
20, study 630-631
- HB 1554**, relative to the amount paid for property in eminent domain. (Kennedy, Merr 4: Judiciary)
20, study 546
- HB 1555**, establishing a commission to investigate cost drivers in providing health care. (MacKay, Merr 11; et al: Commerce)
20, am 612, psd 725, S LT 1316
- HB 1556**, relative to the disclosure of certain financial documents filed with the probate court. (MacKay, Merr 11; et al: Judiciary)
20, K 657
- HB 1557**, establishing guidelines for leaving children home alone and establishing babysitter age guidelines. (L. Christiansen, Hills 27; et al: Children and Family Law)
20, rem 236, SO 322, 376, 482, K 500
- HB 1558**, relative to regulation of smoking by cities and towns. (Pilliod, Belk 5; et al: Municipal and County Government)
20, SO 835, am & K (RC) 895-897
- HB 1559**, relative to training requirements for barbers, cosmetologists, manicurists, and estheticians. (Hopfgarten, Rock 5: Executive Departments and Administration)
20, K 244
- HB 1560**, shortening the enforcement period for a restraining order against one's spouse. (Cady, Rock 1; Bicknell, Rock 1: Judiciary)
20, K 658
- HB 1561**, relative to equal treatment for fathers in the determination of parental rights and responsibilities. (Cady, Rock 1; et al: Children and Family Law)
20, K 381
- HB 1562**, relative to fertility insurance coverage for out-of-state coverage holders who are living in New Hampshire. (Crane, Hills 21; et al: Commerce)
20, K 385
- HB 1563**, establishing a committee to study the effects of immigration on the social services system. (Rosen, Belk 4; et al: Health, Human Services and Elderly Affairs)
new title: establishing a committee to study immigration.
20, am 514-515, psd 521, S nonconc 1057
- HB 1564**, prohibiting mandatory tip charges for small parties. (Rosen, Belk 4: Labor, Industrial and Rehabilitative Services)
20, SO 729, K 736
- HB 1565**, relative to evictions in cases involving incidents of domestic violence. (Morrison, Belk 2; et al: Judiciary)
20, SO 729, am 734, psd 772, S LT 1316
- HB 1566**, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes. (O'Neil, Rock 15: Election Law)
new title: relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes and relative to vehicle registration and driver's license requirements.
20, SO 772, am (RC) 796-799, psd 835, S conc 1218, enr 1243, veto sustained (RC) 1305-1308
- HB 1567**, relative to removing names from the checklist. (O'Neil, Rock 15: Election Law)
20, SO 835, am (RC) 868-872, psd 900, conc S am 1226, enr 1263 (Chapter 243)

- HB 1568**, establishing a committee to study the siting and construction of industrial wind energy facilities. (Ward, Graf 1; et al: Science, Technology and Energy)
new title: establishing a committee to study the siting and construction of commercial wind energy facilities.
20, am 678, psd 726, S LT 1316
- HB 1569**, relative to trust protectors, trust advisors, and directed trusts. (Moran, Hills 18; et al: Judiciary)
20, study 658
- HB 1570**, relative to health insurance coverage for part-time college students. (Moran, Hills 18; et al: Commerce)
20, am 386, psd 481, S LT 1316
- HB 1571**, relative to reports of legislative standing committees on environmental legislation and relative to the adoption of rules concerning environmental regulation. (Moran, Hills 18; et al: Environment and Agriculture)
20, K 633
- HB 1572**, establishing a commission to study the mission and organization of the fish and game department. (Craig, Hills 9; et al: Executive Departments and Administration)
20, K 639
- HB 1573**, establishing a committee to study the scheduling and conduct of state construction projects. (Ingretson, Graf 5: Public Works and Highways)
21, K 258
- HB 1574**, relative to membership on the public employees deferred compensation commission. (Kennedy, Merr 4; et al: Executive Departments and Administration)
new title: relative to membership on the public employees deferred compensation commission and relative to criminal penalties for certain securities violations.
21, am 639, psd 725, nonconc S am, conf 1221, 1234, rep adop 1262, 1280, enr am 1293, enr 1298 (Chapter 310)
- HB 1575**, *not introduced*.
- HB 1576**, implementing a voluntary Meth Watch program in New Hampshire. (J. Tilton, Merr 6; et al: Health, Human Services and Elderly Affairs)
21, K 515
- HB 1577**, relative to the eligibility of persons with nontraditional domicile to vote. (J. Tilton, Merr 6; et al: Election Law)
21, K 528
- HB 1578**, to provide enhanced awareness of and education on methamphetamine to the citizens of New Hampshire. (J. Tilton, Merr 6; et al: Health, Human Services and Elderly Affairs)
21, am 515, psd 521, S LT 1316
- HB 1579**, relative to membership of the air resources council. (Ross, Hills 3: Science, Technology and Energy)
21, am 260, psd 323, S conc 1018, enr 1097 (Chapter 62)
- HB 1580**, relative to the child support formula. (Bickford, Straf 3: Children and Family Law)
21, am (RC) 556-560, psd 596, S nonconc 1219
- HB 1581**, relative to drivers' licenses issued to persons under the age of 21. (Butynski, Ches 4; et al: Transportation)
21, am 416, psd 482, conc S am 1231, enr am 1290, enr 1292 (Chapter 286)
- HB 1582**, prohibiting New Hampshire from participating in a national identification card system. (Marple, Merr 9; et al: Transportation)
21, rem 601, SO 729, psd (RC) 768-771, 772, nonconc S am, conf 1232, S rej conf req 1243

- HB 1583**, relative to grounds for modification of parental rights and responsibilities. (Bickford, Straf 3: Children and Family Law)
21, am 381-382, psd 481, conc S am 1225, enr 1263 (Chapter 232)
- HB 1584**, relative to cemetery setbacks and septic systems. (Bickford, Straf 3: Municipal and County Government)
21, am 548-549, psd 596, S conc 1056, enr 1158 (Chapter 87)
- HB 1585**, relative to enforcement of orders regarding parenting plans. (Bickford, Straf 3: Children and Family Law)
21, am 382, psd 481, conc S am 1225, enr 1288 (Chapter 251)
- HB 1586**, prohibiting enforcement of support orders for college or other postsecondary education expenses. (Bickford, Straf 3: Children and Family Law)
21, study 382
- HB 1587**, establishing a committee to study the use of electronic traffic monitoring systems. (Morris, Rock 14: Transportation)
21, K 681
- HB 1588**, relative to unemployment compensation requirements for governmental and non-profit employers. (Bishop, Rock 2; et al: Labor, Industrial and Rehabilitative Services)
21, psd 407, 481, S conc 1218, enr 1226 (Chapter 130)
- HB 1589**, establishing a committee to study the feasibility of using certain state-owned buildings as transition housing for 17-year-olds and 18-year-olds who are ready to leave foster care or the youth development center. (E. Blanchard, Merr 10; et al: Public Works and Highways)
21, am 412, psd 482, S LT 1316
- HB 1590-FN**, relative to the pari-mutuel commission. (F. Sullivan, Hills 12; et al: Executive Departments and Administration)
21, am 639-642, psd 725, nonconc S am, conf 1222, 1234, rep adop 1262, 1280, enr 1292 (Chapter 287)
- HB 1591-FN-A**, requiring tobacco tax revenue attributable to tobacco sales to minors and tobacco consumption by minors to be deposited in the tobacco use prevention fund for youth tobacco use prevention programs and purposes. (Knowles, Straf 6; et al: Finance)
21, K 990-991
- HB 1592-FN**, making certain changes in the insurance laws. (S. Francoeur, Rock 15; et al: Commerce)
21, am 613-616, psd 725, S LT 1316
- HB 1593-FN-L**, relative to the construction of high school athletic fields in the town of Bedford. (Scanlon, Hills 18; et al: Education)
21, am & Finance 473-474, psd 843, 899, S conc 1218, enr 1226 (Chapter 131)
- HB 1594-FN**, relative to eligibility of an owner of a dog or cat to participate in the animal population control program. (Wells, Rock 8; et al: Environment and Agriculture)
21, am & K 712-713
- HB 1595-FN**, relative to voluntary certification of electronic systems technicians. (Rep. Nowe, Rock 9: Executive Departments and Administration)
new title: relative to certification of electronic systems technicians by the electricians' board.
21, am 642-643, psd 725, S nonconc 1097
- HB 1596-FN**, relative to eminent domain compensation. (Kurk, Hills 7: Judiciary)
21, study 546
- HB 1597-FN-L**, relative to municipal obligations for indigent medical expenses. (Kurk, Hills 7; et al: Municipal and County Government)
21, am 578, psd 596, S LT 1316

- HB 1598-FN**, relative to publication of the New Hampshire Revised Statutes Annotated. (Weyler, Rock 8; et al: Judiciary)
21, K 658
- HB 1599-FN-A-L**, reducing the rate of the business profits tax and repealing the business enterprise tax. (Hagan, Hills 17: Ways and Means)
22, rem 237, SO 332, 376, 482, K (RC) 510-512
- HB 1600**, not introduced.
- HB 1601-FN-L**, relative to the funding of catastrophic special education aid. (Itse, Rock 9: Education)
new title: relative to the funding of catastrophic special education aid and making an appropriation to the department of education to support the Laurent Clerc Academy.
22, am & Finance 474, study 843
- HB 1602-FN**, eliminating the reduction of a New Hampshire retirement system annuity at age 65. (Morrison, Belk 2; et al: Executive Departments and Administration)
22, K 643
- HB 1603-FN**, relative to administration and enforcement by the division of forests and lands over forest resources and timber harvesting. (Patten, Carr 4; et al: Resources, Recreation and Development)
22, SO 729, am 744-746, psd 772, nonconc S am, conf 1224, 1242, rep adop 1262, LT & protest 1280, K 1308
- HB 1604-FN-A-L**, establishing business tax credits for employer-sponsored shared commuting costs. (Norelli, Rock 16; et al: Ways and Means)
22, K 592
- HB 1605-FN**, relative to transfers from the prepaid fish and game license fund. (D. Smith, Hills 22; et al: Fish and Game)
22, psd 246, 323, S conc 836, enr 1010 (Chapter 17)
- HB 1606-FN**, relative to coupons and rebates used to purchase alcohol. (Hinkle, Hills 19: Commerce)
22, K 526
- HB 1607-FN**, relative to reckless endangerment of roadway workers. (Bouchard, Merr 11; et al: Criminal Justice and Public Safety)
22, K 239
- HB 1608-FN-A**, making an appropriation to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage. (Wallner, Merr 12; et al: Finance)
new title: making appropriations to reimburse certain health and human services providers for the increased cost of utilities, heating, and mileage.
22, am 982-983, psd 1008, S nonconc 1219
- HB 1609-FN**, requiring an impact study before a large groundwater withdrawal permit may be issued. (Cilley, Straf 3; et al: Resources, Recreation and Development)
new title: requiring a pilot project to estimate future water needs and availability.
22, SO 772, am 818-819, psd 835, S conc 1018, enr 1097 (Chapter 63)
- HB 1610-FN**, relative to a determination of incompetence under the CHINS statute. (Wendelboe, Belk 1: Children and Family Law)
22, study 382
- HB 1611-FN**, relative to reimbursement for personal care services. (Villeneuve, Hills 18; et al: Health, Human Services and Elderly Affairs)
22, am & Finance 483, psd 844, 899, S conc 1218, enr 1226 (Chapter 132)

- HB 1612-FN**, relative to the use of lottery revenue as purses for horse and dog racing. (Vaillancourt, Hills 15; et al: Ways and Means)
22, SO 772, am (RC) 831-834, psd 835, conc S am 1231, enr 1263 (Chapter 233)
- HB 1613-FN-L**, relative to polling place arrangement and accessibility. (Kennedy, Merr 4: Election Law)
22, am 631, psd 725, nonconc S am, conf 1221, 1234, (no report filed), Clerk's note 1315
- HB 1614-FN-L**, relative to bonding requirements for certain roads. (W. P. Campbell, Straf 3: Municipal and County Government)
22, K 666
- HB 1615-FN-A**, establishing a fund for improvement of the state veterans cemetery. (F. Tilton, Belk 4; et al: Public Works and Highways)
22, study 412-413
- HB 1616-FN**, establishing a performance measurement system for state agencies. (Moran, Hills 18; et al: Finance)
22, vac Executive Departments and Administration 29, rem 601, SO 729, 759, 772, 835, study 872
- HB 1617-FN-L**, relative to the Franklin school district. (Hellwig, Hills 27; et al: Finance)
22, K 245
- HB 1618-FN-A**, relative to net operating loss deductions under the business profits tax. (Major, Rock 8; et al: Ways and Means)
22, K 553
- HB 1619-FN**, relative to a certain toll plaza in Merrimack. (Graham, Hills 18; et al: Public Works and Highways)
22, rem 237, SO 322, 376, K (RC) 459-461
- HB 1620-FN**, relative to hunting restrictions of certain convicted felons. (Bicknell, Rock 1; et al: Criminal Justice and Public Safety)
22, am 623, psd 725, S LT 1316
- HB 1621-FN**, prohibiting overpricing of fuel. (Marshall Quandt, Rock 13; et al: Commerce)
new title: prohibiting the overpricing of commodities during a declared state of emergency or a market emergency.
22, rem 379, am & study (RC) 517-520
- HB 1622-FN**, relative to the state recycling program. (Morrison, Belk 2; et al: Environment and Agriculture)
22, study 475
- HB 1623-FN**, relative to harm or threats to public officials. (Shurtleff, Merr 10: Criminal Justice and Public Safety)
22, K 239
- HB 1624-FN**, relative to boat noise. (Whalley, Belk 5; et al: Transportation)
22, rem 379, am & Criminal Justice and Public Safety 500, am 623, psd 725, conc S am 1231, enr 1263 (Chapter 234)
- HB 1625**, establishing penalties for court-appointed advocates who fail to file reports which are required by the court. (Cady, Rock 1; et al: Criminal Justice and Public Safety)
new title: establishing penalties for guardians ad litem who fail to file reports which are required by the court.
2nd new title: establishing penalties for guardians ad litem who fail to file reports.
22, am 623-624, psd 725, conc S am 1226, enr 1263 (Chapter 235)

- HB 1626-FN-A**, making an appropriation to the office of energy and planning for the fuel assistance program. (DeJoie, Merr 11; et al: Finance)
new title: relative to appropriations for the expenses of certain departments of the state.
2nd new title: relative to appropriations for the expenses of certain departments of the state and establishing a quality early learning opportunity initiative and making an appropriation therefor.
 23, am 976-977, psd 1008, nonconc S am conf 1222, 1235, rep adop 1262, 1280, enr am 1290, enr 1291 (Chapter 258)
- HB 1627**, relative to the assessment of open space land. (Patten, Carr 4; et al: Municipal and County Government)
 23, psd 667, 726, S nonconc 1219
- HB 1628**, relative to expenses of operating bingo games. (Weare, Rock 14; et al: Ways and Means)
 23, rem 379, SO 521, 594-595, K 693
- HB 1629-FN-L**, relative to property revaluation schedules in towns and cities and review by the department of revenue administration. (Gale, Sull 3: Municipal and County Government)
 23, SO 729, K 742
- HB 1630-L**, relative to land use change taxes imposed for certain road construction on rights-of-way. (Babson, Carr 3; et al: Environment and Agriculture)
 23, am 633-634, psd 725, S conc 1097, enr am 1239, enr 1263 (Chapter 209)
- HB 1631-FN-L**, relative to property taxation of certain property of the Appalachian Mountain Club. (King, Coos 1; et al: Municipal and County Government)
 23, am 667-668, psd 726, S nonconc 1056
- HB 1632**, relative to qualifications for the elderly property tax exemption. (Shattuck, Hills 1; et al: Municipal and County Government)
 23, K 490
- HB 1633-FN**, relative to membership, eligibility, and financing of the New Hampshire retirement system. (Zolla, Rock 5; et al: Executive Departments and Administration)
 23, am 643-644, psd 725, S conc 1018, enr am 1240, enr 1244, committee amended 1344 (Chapter 178)
- HB 1634-FN**, making technical changes to the law governing the New Hampshire retirement system. (Zolla, Rock 5: Executive Departments and Administration)
 23, am 401-402, psd 481, S conc 1097, enr 1217 (Chapter 120)
- HB 1635-FN-L**, relative to direct recall elections. (Mulholland, Graf 10: Election Law)
 23, K 631
- HB 1636-FN**, relative to appeals from class A misdemeanor sentences imposed by the district courts. (Dokmo, Hills 6; et al: Judiciary)
 23, am 547, psd 596, S conc 1018, enr 1097 (Chapter 64)
- HB 1637-FN-L**, reducing the rate of the timber tax. (Hagan, Hills 17; et al: Municipal and County Government)
 23, K 668
- HB 1638-FN-A**, reducing the rate of the communications services tax. (Hagan, Hills 17; et al: Ways and Means)
 23, SO 594-595, K (RC) 693-696
- HB 1639-FN**, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency. (Hopfgarten, Rock 5; et al: Criminal Justice and Public Safety)
 23, rem 525, SO 594-595, K (RC) 685-687

- HB 1640-FN-L**, requiring school boards to disclose financial costs of contracts to the voters. (Cady, Rock 1; et al: Education)
23, K 629
- HB 1641-FN**, establishing a common law court. (Marple, Merr 9; et al: Judiciary)
23, rem 525, SO 594-595, K 690
- HB 1642-FN**, relative to criminal penalties and forfeiture for activities in support of illegal immigration. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)
23, K 527
- HB 1643-FN**, relative to enhanced penalties for committing an assault in the presence of a minor. (Mooney, Hills 19; et al: Criminal Justice and Public Safety)
23, K 527
- HB 1644-FN**, relative to funding the fuel assistance program in the office of energy and planning and requiring a one-time reduction in the rate of the statewide enhanced education tax and making appropriations therefor. (Rowe, Hills 6; et al: Finance)
23, K 245
- HB 1645-FN**, relative to fireworks permit fees and the position of permissible fireworks inspector. (Hunt, Ches 7: Criminal Justice and Public Safety)
new title: relative to fireworks display permits, the position of permissible fireworks inspector, and the sale of permissible fireworks.
23, am & Finance 389, study 844
- HB 1646-FN**, relative to the use of a leashed tracking dog in the recovery of a wounded deer, moose, or bear. (Mirski, Graf 10; et al: Fish and Game)
23, am 531, psd 595, S conc 1018, enr 1097 (Chapter 65)
- HB 1647-FN**, relative to lowering the legal drinking age for members of the armed forces. (Splaine, Rock 16; et al: Judiciary)
23, SO 322, 376, K 457-458
- HB 1648-FN**, relative to legal residency and financial liability for children in certain residential placements. (Foote, Ches 6; et al: Children and Family Law)
new title: relative to legal residency and financial liability for children in certain residential placements.
23, am 382-383, psd 481, conc S am 1225, enr 1263 (Chapter 236)
- HB 1649-FN**, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. (Souza, Hills 11; et al: Criminal Justice and Public Safety)
24, SO 835, K (RC) 862-864
- HB 1650**, *not introduced*.
- HB 1651-FN-A-L**, repealing the statewide enhanced education tax. (Craig, Hills 9; et al: Ways and Means)
24, K 499, recon rej (RC) 592-594
- HB 1652-FN**, relative to certain insurance claims. (S. Francoeur, Rock 15; et al: Commerce)
24, am 616-617, psd 725, S conc 1097, enr 1183 (Chapter 104)
- HB 1653-FN**, requiring handrails on stairways in public buildings. (Ginsburg, Hills 20: Public Works and Highways)
24, K 413
- HB 1654-FN**, relative to the probate court mediation fund and fee. (Dokmo, Hills 6; et al: Judiciary)
24, rem 237, SO 322, 376, 482, psd 508-509, 521, S conc & enr 1010 (Chapter 29)

- HB 1655-FN-A**, making rail system development a complement to the Interstate Route 93 highway expansion project. (G. Katsakiores, Rock 5; et al: Public Works and Highways)
24, K 670
- HB 1656-FN-A**, establishing an electronic toll collection transponder inventory fund. (Graham, Hills 18; et al: Finance)
24, am 529, psd 595, nonconc S am 1232
- HB 1657**, relative to uses of charitable donations for fish and wildlife conservation programs. (D. Smith, Hills 22; et al: Fish and Game)
new title: establishing a wildlife legacy initiative for gifts and donations for fish and wildlife conservation programs.
24, am 246-247, psd 323, conc S am 1014, enr am 1240, enr 1244 (Chapter 172)
- HB 1658**, relative to the use by the fish and game department of charitable donations for the general administration of the department. (D. Smith, Hills 22; et al: Fish and Game)
new title: relative to authorizing agreements by the fish and game department with nonprofit partners for the purpose of accepting gifts, grants, bequests, or donations to further department goals.
24, am 247-248, psd 323, S conc 836, enr 1010 (Chapter 18)
- HB 1659**, relative to the use of certain small caliber firearms in taking wildlife. (Morneau, Coos 4: Fish and Game)
24, am 248, psd 323, S conc 836, enr 1010 (Chapter 19)
- HB 1660-FN**, regulating identity theft. (Hogancamp, Ches 4; et al: Commerce)
24, am & Criminal Justice and Public Safety 461-463, psd 624, 725, conc S am 1185, enr am 1246, enr 1288 (Chapter 242)
- HB 1661-FN**, relative to the practice of real estate sales and eliminating the real estate commission. (Mirski, Graf 10: Executive Departments and Administration)
24, K 402
- HB 1662-FN**, establishing the crime of peonage. (Ulery, Hills 27; et al: Criminal Justice and Public Safety)
24, psd 390, 481, conc S am 1226, enr 1263 (Chapter 237)
- HB 1663-FN-L**, relative to the licensing fee for motor vehicle recycling yards. (Bergeron, Hills 27; et al: Transportation)
24, psd 416, 482, S conc 1018, enr 1097 (Chapter 71)
- HB 1664-FN**, relative to nondriver identification cards. (Danforth, Merr 6; et al: Transportation)
24, K 553
- HB 1665-FN**, creating an offense for the injury of another resulting in miscarriage or stillbirth. (Gilbert, Rock 12; et al: Criminal Justice and Public Safety)
24, K 390
- HB 1666-FN-A**, authorizing a memorandum of understanding between state and local law enforcement and the United States Department of Homeland Security regarding immigration enforcement and making an appropriation therefor. (Renzullo, Hills 27; et al: State-Federal Relations and Veterans Affairs)
24, SO 729, K (RC) 746-749
- HB 1667-FN**, establishing penalties for methamphetamine manufacturing and possession of substances with intent to manufacture methamphetamine. (Hogancamp, Ches 4; et al: Criminal Justice and Public Safety)
24, am 624-625, psd 725, conc S am 1226, enr 1263 (Chapter 241)
- HB 1668**, relative to providing bank account balance information. (Kurk, Hills 7: Commerce)
24, K 617

- HB 1669-FN-L**, increasing the penalties for littering. (Newton, Straf 1; et al: Criminal Justice and Public Safety)
24, K 240
- HB 1670-FN**, relative to membership on certain professional regulatory boards. (Bergin, Hills 6; et al: Executive Departments and Administration)
24, SO 835, K 872
- HB 1671-FN**, relative to the regulation of dentists and dental hygienists by the board of dental examiners. (Langley, Rock 18; et al: Executive Departments and Administration)
24, am 403, psd 481, conc S am 1227, enr 1263 (Chapter 238)
- HB 1672-FN**, relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults. (Naro, Graf 7; et al: Health, Human Services and Elderly Affairs)
new title: relative to a registry for substantiated cases of abuse, neglect, or exploitation of incapacitated adults and establishing a task force relative to central registries.
2nd new title: relative to a registry for founded cases of abuse, neglect, or exploitation of incapacitated adults, relative to certain background checks, and establishing a task force relative to central registries.
25, am 653-655, psd 725, conc S am 1230, enr am 1289, enr 1291, appointments 1347 (Chapter 289)
- HB 1673-FN**, relative to the reduction of mercury emissions. (Ross, Hills 3; et al: Science, Technology and Energy)
25, SO 835, 899, am 1000-1001, psd 1009, S conc 1097, enr 1183 (Chapter 105)
- HB 1674-FN**, requiring emergency care providers to report information on certain sexual assault crimes to law enforcement officials. (Knowles, Straf 6; et al: Criminal Justice and Public Safety)
25, am 627, psd 725, S LT 1316
- HB 1675**, *not introduced*.
- HB 1676-FN**, relative to misdemeanor jury trials. (Soltani, Merr 8; et al: Judiciary)
25, K 406
- HB 1677-FN**, relative to the annulment of the arrest record of a person found not guilty by a jury. (Dumaine, Rock 3; et al: Judiciary)
25, K 487
- HB 1678-FN-A**, relative to state reimbursement of public safety expenditures made by the town of Plymouth on behalf of Plymouth state university. (Naro, Graf 7; et al: Finance)
25, SO 322, 376, 482, K 505
- HB 1679-FN-L**, relative to the taxation of nongovernmental uses of university system property. (M. Cooney, Graf 7; et al: Municipal and County Government)
new title: relative to the property tax exemption for university system property.
25, am & Ways and Means 408-410, Ways and Means withd 504, psd 521, conc S am 1231, enr 1263 (Chapter 205)
- HB 1680-FN**, requiring law enforcement and corrections officers to complete training in appropriate techniques for dealing with persons with mental health conditions. (Cady, Rock 1; et al: Criminal Justice and Public Safety)
25, study 240
- HB 1681-FN**, establishing the unused prescription drug program. (Pepino, Hills 11; et al: Health, Human Services and Elderly Affairs)
25, am 576-577, psd 596, conc S am 1185, enr 1243 (Chapter 152)
- HB 1682**, relative to parental notification of a parent or legal guardian of a child who has been provided with emergency contraception by a pharmacist. (Balboni, Hills 21; et al: Judiciary)
25, SO 835, K (RC) 888-891

- HB 1683-FN**, establishing a homestead food license for residential, non-commercial kitchens. (Babson, Carr 3; et al: Executive Departments and Administration)
25, am 644, psd 725, S conc 1218, enr 1226 (Chapter 133)
- HB 1684-FN**, establishing a commission to study the effects of leasing state-owned waterfront property and placing a moratorium on the leasing of state-owned waterfront property. (Millham, Belk 5; et al: Resources, Recreation and Development)
25, vac Public Works and Highways 30, rem 601, SO 729, K 762
- HB 1685-FN**, establishing a special needs scholarship program. (Hunt, Ches 7: Education)
25, K 390
- HB 1686-FN**, relative to the allocation of certain off highway recreational vehicle fees. (Spang, Straf 7; et al: Resources, Recreation and Development)
25, K 678
- HB 1687**, extending certain studies. (MacKay, Merr 11: Legislative Administration)
new title: extending certain studies and adding a certain duty relative to pharmacy reimbursement.
25, SO 835, am 893-894, psd 900, S conc 1218, enr am 1246, enr 1288, duty added and report date extended 1343 (Chapter 252)
- HB 1688**, prohibiting the use of gasoline-powered watercraft on Head's Pond in Hooksett. (Marple, Merr 9: Resources, Recreation and Development)
25, psd 259, 323, conc S am 1185, enr 1243 (Chapter 161)
- HB 1689**, relative to the New Hampshire-Vermont interstate waste compact. (Rodeschin, Sull 2; et al: Environment and Agriculture)
25, K 634
- HB 1690**, relative to renewable energy. (Slocum, Hills 6; et al: Science, Technology and Energy)
25, psd 414, 482, nonconc S am, conf 1224, 1242, (no report filed), Clerk's note 1315
- HB 1691-FN**, establishing a geothermal assessment project. (Cataldo, Straf 3; et al: Science, Technology and Energy)
25, K 551
- HB 1692-FN**, establishing the New Hampshire sexual predators act. (Batula, Hills 19; et al: Criminal Justice and Public Safety)
25, rules suspended 482, am (3RCs) 917-958, psd 1008, nonconc S am, conf 1221, 1235, rep adop 1262, 1280, enr am 1296-1298, enr 1298, appointments 1347 (Chapter 327)
- HB 1693-FN-A-L**, relative to funding an adequate education. (Asselin, Rock 7; et al: Ways and Means)
25, K 516-517
- HB 1694-FN-L**, relative to a spending cap on municipal and school district budgets. (Asselin, Rock 7; et al: Municipal and County Government)
25, K 410
- HB 1695-FN**, defining an adequate education and relative to calculating the cost of an adequate education and adequate education grants. (Asselin, Rock 7; et al: Education)
25, K 475
- HB 1696-FN**, relative to the cremation of human remains. (Bicknell, Rock 1; et al: Executive Departments and Administration)
25, am 644-651, psd 725, conc S am 1227, enr am 1290-1291, enr 1292 (Chapter 288)
- HB 1697-FN**, relative to certain state salaries. (Marshall Quandt, Rock 13; et al: Finance)

new title: relative to certain state salaries; establishing the position of director of homeland security and emergency management in the department of safety; authorizing the commissioner of safety to reorganize certain divisions, responsibilities, and activities of the department; relative to appeals of reclassification of positions; relative to a study of the unclassified salary schedule; and relative to the registration of apprentices by the board of barbering, cosmetology, and esthetics.

26, SO 899, am 969-970, psd 1008, nonconc S am, conf 1222, 1235, rep adop 1262, 1280, enr am 1293-1294, enr 1298, committee amended 1343, appointments 1349 (Chapter 290)

HB 1698-FN-A-L, relative to determination of town's share on county taxes. (Gale, Sull 3: Municipal and County Government)
26, K 490

HB 1699-FN-A-L, establishing a tax on fees charged by railroad companies for transiting of cargo over, under, or across railroad rights-of-way. (Danforth, Merr 6; et al: Ways and Means)
26, rem 525, SO 594-595, K 696

HB 1700, not introduced.

HB 1701-FN-A, relative to boat fee agents of the department of safety, increasing the boat registration fee, and relative to the prevention of exotic aquatic weeds. (Drisko, Hills 5: Resources, Recreation and Development)
26, am & Ways and Means 413-414, K 1007

HB 1702-FN-A, establishing a New Hampshire health access corporation, continually appropriating a special fund, and allowing the healthy kids corporation to cover adults. (Schmidt, Straf 4; et al: Commerce)
26, K 463

HB 1703-FN, requiring certain employers to report on the percentage of payroll which is being spent on health insurance premiums for employees. (Walz, Merr 13; et al: Labor, Industrial and Rehabilitative Services)
26, LT 487-489, K 1308

HB 1704-FN-A, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. (Moody, Rock 12; et al: Commerce)
26, K (RC) 463-466

HB 1705-FN, relative to limited driving privileges for certain persons whose licenses have been revoked or suspended. (Knowles, Straf 6; et al: Transportation)
26, K 496

HB 1706-FN, requiring certain persons to have Transportation Security Administration training and certification to provide airport security support in emergency situations. (Crane, Hills 21: Criminal Justice and Public Safety)
26, K 627

HB 1707-FN-A-L, establishing a school choice certificate program. (Slocum, Hills 6; et al: Education)
26, SO 772, IP (5RCs) 777-795

HB 1708-FN, relative to Temporary Assistance to Needy Families (TANF) eligibility for 2-parent families. (Dalrymple, Rock 4: Health, Human Services and Elderly Affairs)
26, K 542-543

HB 1709-FN, establishing an autism registry in the department of health and human services. (DeJoie, Merr 11; et al: Health, Human Services and Elderly Affairs)
26, am 543-544, psd 595, S conc 1097, enr 1183 (Chapter 106)

HB 1710-FN-A, relative to appropriations to the department of health and human services for health care providers. (D. Eaton, Ches 2; et al: Finance)

new title: relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities.

2nd new title: relative to appropriations to the department of health and human services for home care providers and community mental centers and making an appropriation to increase the hourly rate of pay for direct care providers for persons with developmental and acquired disabilities and extending the provision of supplemental pharmacy assistance.

3rd new title: making an appropriation to the department of health and human services for home care providers.

26, am (RC) 984-988, psd 1008, nonconc S am, conf 1222, 1235, rep adop 1262, 1280, enr 1291 (Chapter 264)

HB 1711-FN, relative to the regulation of fuel gas fitters. (Mitchell, Ches 7; et al: Executive Departments and Administration)

26, SO 772, am 799-804, psd 835, conc S am 1227, enr 1263 (Chapter 206)

HB 1712-FN-A, making an appropriation for design and engineering costs for the expansion of the northern New Hampshire correctional facility and for the design, engineering, and construction of a minimum security building at the northern New Hampshire correctional facility. (Pantelakos, Rock 16: Public Works and Highways)

26, K 258

HB 1713-FN, restricting the over-the-counter sale of pseudoephedrine base and ephedrine base drugs and establishing a commission to study the feasibility of an electronic tracking system for sales of pseudoephedrine base and ephedrine base drugs. (Hogancamp, Ches 4; et al: Health, Human Services and Elderly Affairs)

26, am 483-485, psd 521, S LT 1316

HB 1714-FN, relative to an electronic controlled drug prescription monitoring program. (Pilliod, Belk 5; et al: Health, Human Services and Elderly Affairs)

26, am (RC) 718-724, psd, recon (RC) & SO 727-729, study 732

HB 1715-FN, relative to funding of the professional assistance program of dentists. (MacKay, Merr 11; et al: Executive Departments and Administration)

26, Ways and Means 403, psd 682, 726, S conc 1018, enr am 1240, enr 1244 (Chapter 173)

HB 1716-FN, relative to state reimbursement for public safety expenditures made by towns on behalf of public higher education residence halls. (Naro, Graf 7; et al: Finance)

26, SO 322, 376, 482, K 505-506

HB 1717-FN, requiring certain direct care services in nursing homes. (Gile, Merr 10; et al: Health, Human Services and Elderly Affairs)

26, K 544

HB 1718-FN, relative to the provision of medical services at nursing facilities. (Gile, Merr 10: Health, Human Services and Elderly Affairs)

new title: requiring a written disclosure statement be provided to prospective nursing home facility clients.

27, am 655-656, psd 725, S conc 1056, enr am 1240, enr 1263 (Chapter 239)

HB 1719-FN, defining human life as beginning at the moment of fertilization. (Hagan, Hills 17; et al: Judiciary)

27, SO 835, K (RC) 891-893

HB 1720-FN, relative to notice of parent liability in CHINS proceedings. (Morrison, Belk 2; et al: Children and Family Law)

27, am 383, psd 481, nonconc S am, conf 1221, 1235, rep adop 1262, 1280, enr 1292 (Chapter 291)

- HB 1721-FN**, relative to changes in the use of weighted caseload statistics in the calculation of the salaries of part-time district court justices. (Dokmo, Hills 6; et al: Judiciary)
27, study 255
- HB 1722-FN**, relative to the New Hampshire council on developmental disabilities. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs)
27, psd 544, 595, S conc 1056, enr am 1240-1241, enr 1244 (Chapter 179)
- HB 1723-FN**, relative to health care and health insurance data. (Kurk, Hills 7; et al: Commerce)
27, study 386
- HB 1724-FN**, relative to compensation and benefits for reserve and national guard members who are state employees. (Weyler, Rock 8; et al: Finance)
new title: relative to compensation and benefits for reserve and national guard members who are state employees and amending certain capital appropriations to the adjutant general.
27, SO 322, 376, 482, am 506, psd 521, nonconc S am, conf 1059, 1227, conferee change 1243, rep adop 1262, 1280, enr 1292 (Chapter 272)
- HB 1725-FN**, extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in abuse and neglect cases. (Gargas, Hills 5; et al: Children and Family Law)
new title: extending the pilot project relative to abuse and neglect hearings and relative to confidentiality in pilot project abuse and neglect cases.
27, am 384, psd 481, S conc 1218, enr 1226, repeal date extended 1343 (Chapter 134)
- HB 1726-FN**, requiring the state to pay legal fees for certain Supreme Court justices. (King, Coos 1: Finance)
27, LT (RC) 988-990, K 1308
- HB 1727-FN-L**, relative to transfer or discharge of patients in residential care facilities. (MacKay, Merr 11; et al: Health, Human Services and Elderly Affairs)
new title: relative to transfer or discharge of patients or residents in licensed facilities.
27, am 404-405, psd 481, conc S am 1185, enr 1243 (Chapter 153)
- HB 1728-FN-L**, relative to time limits on eligibility for Temporary Assistance for Needy Families (TANF). (Crane, Hills 21: Health, Human Services and Elderly Affairs)
27, K 253
- HB 1729-FN**, implementing a "good time" sentence reduction system for inmates in the state prison system. (Vaillancourt, Hills 15: Criminal Justice and Public Safety)
27, study 527
- HB 1730-FN-L**, relative to long-term care program management and cost controls. (Kurk, Hills 7; et al: Health, Human Services and Elderly Affairs)
27, K 253-254
- HB 1731-FN**, making pseudoephedrine products available only by prescription. (Butynski, Ches 4; et al: Health, Human Services and Elderly Affairs)
27, K 405
- HB 1732-FN-A**, repealing the fund for the domestic violence grant program and relative to marriage license fees. (Bickford, Straf 3: Criminal Justice and Public Safety)
27, K 240
- HB 1733-FN**, establishing a reporting system for court decisions relative to residential responsibility under parenting plans. (Bickford, Straf 3: Children and Family Law)
27, am 384-385, psd 481, S nonconc 1097
- HB 1734-FN-A-L**, establishing a homestead exemption for seniors against the statewide enhanced education tax and a tax cap credit for seniors against local and state property taxes. (Espieffs, Ches 3: Municipal and County Government)
27, K (RC) 490-493

- HB 1735-FN**, relative to awarding the state employees' health insurance plan. (R. Wheeler, Hills 7; et al: Executive Departments and Administration)
27, Finance 244, SO 899, psd 970, 1008, conc S am 1227, enr 1263, appointments 1350 (Chapter 207)
- HB 1736-FN-L**, relative to tuition payments made to charter schools. (Balboni, Hills 21; et al: Education)
27, rem 601, SO 729, K 755
- HB 1737-FN-A**, establishing a beverage fee to be paid by beverage manufacturers and distributors. (R. Cooney, Rock 4; et al: Resources, Recreation and Development)
27, K (RC) 493-496
- HB 1738-FN**, prohibiting the use of surveillance devices to identify motor vehicles. (Kurk, Hills 7; et al: Transportation)
27, SO 835, 899, am 1001-1002, psd 1009, S conc 1097, enr 1183 (Chapter 107)
- HB 1739-FN**, relative to body art practitioners. (Dalrymple, Rock 4: Executive Departments and Administration)
27, K 480
- HB 1740-FN-A**, making an appropriation to increase the hourly rate of pay for care providers for persons with developmental and acquired disabilities. (Wendelboe, Belk 1; et al: Finance)
27, K 652
- HB 1741-FN**, relative to reporting requirements concerning infections in hospitals. (Pepino, Hills 11; et al: Health, Human Services and Elderly Affairs)
27, am (RC) 713-718, psd 727, conc S am 1230, enr am 1291, enr 1292 (Chapter 292)
- HB 1742-FN**, relative to disclosing infections in hospitals and nursing homes. (P. Johnson, Hills 26: Health, Human Services and Elderly Affairs)
27, K 254
- HB 1743-FN**, relative to reimbursing towns for the operating expenses of certain railroad passenger facilities. (C. Robertson, Rock 13; et al: Municipal and County Government)
28, SO 322, 376, K 458
- HB 1744-FN-A**, authorizing the pari-mutuel commission to regulate games of chance conducted by charitable organizations and relative to tournaments conducted by charitable organizations where chips have no monetary face value. (Weyler, Rock 8; et al: Executive Departments and Administration)
28, SO 835, am 873-879, psd 900, nonconc S am, conf 1222, 1235 rep adop 1262, 1281 enr am 1294, enr 1298, appointments 1347-1348 (Chapter 311)
- HB 1745-FN**, relative to methamphetamine-related crimes involving children and incapacitated adults. (Harvey, Hills 21; et al: Criminal Justice and Public Safety)
28, am 627-628, psd 725, S conc 218, enr 1226 (Chapter 135)
- HB 1746-FN-L**, relative to eligibility for Temporary Assistance to Needy Families (TANF). (Kurk, Hills 7; et al: Health, Human Services and Elderly Affairs)
28, K 254
- HB 1747-FN**, establishing a New Hampshire healthy tidal waters and shellfish protection program and fund and establishing fees. (Gillick, Rock 15; et al: Fish and Game)
new title: establishing a New Hampshire healthy tidal waters and shellfish protection program and making an appropriation therefor.
28, am 531-532, psd 595, conc S am 1228, enr am 1291, enr 1292 (Chapter 293)
- HB 1748**, prohibiting candidates who did not get elected from serving as alternate members of the planning board or zoning board of adjustment. (Babson, Carr 3: Municipal and County Government)
28, K 410

- HB 1749-FN**, relative to access to motor vehicle records by certain defense contractors. (Price, Hills 26; et al: Criminal Justice and Public Safety)
152, psd 628, 725, S conc 1097, enr 1183 (Chapter 108)
- HB 1750**, *not introduced*.
- HB 1751**, relative to penalties for failure to have workers' compensation coverage. (Infantine, Hills 13; et al: Labor, Industrial and Rehabilitative Services)
152, psd 658, 726, S LT 1316
- HB 1752**, requiring notice regarding the classifications of employee and independent contractor. (Infantine, Hills 13; et al: Labor, Industrial and Rehabilitative Services)
152, psd 659, 726, nonconc S am, conf 1223, 1242, conferee change 1244, rep adop 1262, LT (RC) 1281-1283, K 1308
- HB 1753**, allowing municipalities to adopt a property tax exemption for geoexchange energy systems. (Cataldo, Straf 3; et al: Municipal and County Government)
152, K 410
- HB 1754**, relative to canteen privileges at veterans' clubs licensed by the liquor commission. (Bishop, Rock 2; et al: State-Federal Relations and Veterans Affairs)
153, psd 551, 596, conc S am 1059, enr 1183 (Chapter 109)
- HB 1755**, establishing a statutory property tax relief commission, and relative to information on property tax bills. (Jasper, Hills 27; et al: Municipal and County Government)
153, K 668
- HB 1756**, relative to alternative regulation of small incumbent local exchange carriers. (J. Garrity, Rock 6; et al: Science, Technology and Energy)
153, SO 772, am 822, psd 835, S conc 1218, enr 1243 (Chapter 154)
- HB 1757**, relative to taxation of renewable generation facilities. (Slocum, Hills 6; et al: Municipal and County Government)
153, rem 601, SO 729, K 762
- HB 1758**, classifying biodiesel as a renewable energy source. (Cataldo, Straf 3; et al: Science, Technology and Energy)
new title: classifying bio-oil, bio synthetic gas, and biodiesel as renewable energy sources and relative to taxation of renewable generation facilities.
153, am 678-679, psd 726, nonconc S am, conf 1224, 1242, rep adop 1262, 1283, enr 1292 (Chapter 294)
- HB 1759**, relative to liens for labor and materials. (Infantine, Hills 13: Judiciary)
153, K 658
- HB 1760**, allowing municipalities to adopt a property tax exemption for property using, manufacturing, or supplying bio-heat systems. (Essex, Hills 1; et al: Municipal and County Government)
153, SO 835, K 898
- HB 1761**, exempting vacation rentals from regulation as a tenancy and extending the committee to study the appeals process in cases between landlords and tenants, established in 2005, 45. (Wendelboe, Belk 1: Judiciary)
new title: relative to hold over tenants in vacation or recreational rental units.
2nd new title: relative to hold over tenants in vacation or recreational rental units and relative to lobbyist reporting requirements.
154, SO 729, am 734-735, psd 772, nonconc S am, conf 1223, 1235, conferee change 1243-1244, rep adop 1262, 1283, enr am 1294, enr 1298 (Chapter 312)
- HB 1762**, extending a committee and adding a certain duty relative to pharmacy reimbursement. (Wendelboe, Belk 1; et al: Legislative Administration)
154, SO 772, K 815

- HB 1763**, extending a committee and adding certain duties relative to pharmacy reimbursement. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs)
154, psd 544, 595, S conc 1218, enr am 1246, enr 1288 (Chapter 253)
- HB 1764**, relative to the committee to study Medicaid reimbursement rates for pharmacy providers. (Wendelboe, Belk 1; et al: Health, Human Services and Elderly Affairs)
154, psd 544, 596, S conc 1218, enr 1243 (Chapter 155)
- HB 1765-FN-A-L**, appropriating matching funds for disaster relief resulting from the October 2005 floods. (Gibson, Hills 19; et al: Finance)
new title: relative to funding for disaster relief efforts in response to the October 2005 floods and making an appropriation therefor.
235, am 529, psd 595, S conc 1018, enr 1056 (Chapter 42)
- HB 1766**, relative to the duties of the state board of education concerning educating pupils on AIDS and venereal diseases. (Balboni, Hills 21; et al: Education)
235, SO 772, K 795-796
- HB 1767-FN-A**, authorizing the state acquisition of real estate destroyed in the October 2005 floods, establishing a commission to determine the appropriate use of the property, and making an appropriation therefor. (D. Eaton, Ches 2; et al: Finance)
235, rules suspended 524, am 991, psd 1009, nonconc S am, conf 1222, 1242, conferee change 1244, rep adop 1263, 1283, enr 1291, appointments 1348 (Chapter 256)
- HB 1768-FN**, relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the Supreme Court. (Mead, Hills 4; et al: Judiciary)
new title: establishing a committee to study the effects of rescinding the charter of the New Hampshire Bar Association, and relative to the regulation of attorneys by the Supreme Court.
235, SO 772, am (RC) 807-812, psd 835, S LT 1316
- HB 1769**, relative to insurance records required for market conduct purposes. (Rodeschin, Sull 2; et al: Commerce)
235, K 617
- HB 1770**, requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records. (Kurk, Hills 7: Judiciary)
324, SO 772, K (RC) 812-814
- HB 1771 through 1999**, not introduced.
- HB 2006**, relative to the state 10-year transportation improvement plan. (Chandler, Carr 1: Public Works and Highways)
new title: relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of N.H. 101, and a bridge crossing the Merrimack.
2nd new title: relative to the state 10-year transportation improvement plan, the exemption of highway projects from eminent domain, improvements on the FE Everett Turnpike/I-293 and certain segments of N.H. 101, a bridge crossing the Merrimack, and establishing a study committee.
deadline suspended 525, into 773, am 1045-1048, psd 1054, conc S am 1231, enr 1263, appointments 1348 (Chapter 240)

2006 SESSION

2005 HOUSE JOINT RESOLUTIONS RETAINED IN HOUSE COMMITTEE

- HJR 1**, recognizing that Kittery, Berwick, and the Piscataqua River are within the boundaries of the state of New Hampshire.
new title: recognizing that Seavey Island and the Piscataqua River are within the boundaries of the state of New Hampshire.
am 77-78, psd 151, S conc & enr 523 (Chapter 10)

2006 SESSION
HOUSE JOINT RESOLUTIONS

- HJR 20**, supporting stem cell research. (Hammond, Graf 11; et al: Health, Human Services and Elderly Affairs)
28, SO 835, psd (RC) 879-882, 900, S LT 1316
- HJR 21**, urging the University of New Hampshire to restore intercollegiate baseball and softball. (Bettencourt, Rock 4; et al: Education)
28, psd (RC) 701-704, 726, S conc 1056, enr 1158 (Chapter 88)
- HJR 22**, in recognition and support of New Hampshire's participation in the Experimental Program to Stimulate Competitive Research. (Thomas, Belk 5; et al: Science, Technology and Energy)
28, psd 260, 323, S conc 1097, enr 1183 (Chapter 110)
- HJR 23**, designating a Purple Heart Trail spur to the New Hampshire state veterans cemetery and providing additional signs for the Purple Heart Trail. (D. Smith, Hills 22; et al: Public Works and Highways)
28, am 549-550, psd 596, S conc & enr 1012 (Chapter 36)
- HJR 24**, supporting efforts for commuter rail in the state of New Hampshire. (Lasky, Hills 26; et al: Transportation)
28, psd 416, 482, S LT 1316
- HJR 25**, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain. (Itse, Rock 9; et al: State-Federal Relations and Veterans Affairs)
28 SO 772, psd (RC) 822-824, 835, S conc 1097, enr 1183 (Chapter 111)
- HJR 26**, urging Congress to reevaluate Title IX. (Bettencourt, Rock 4: State-Federal Relations and Veterans Affairs)
28, K 679

2006 SESSION
HOUSE CONCURRENT RESOLUTIONS

- HCR 20**, commending the New Hampshire Committee for Employer Support of the Guard and Reserve. (Graham, Hills 18; et al: Legislative Administration)
28, adop 661, 726, S conc 1097
- HCR 21**, urging the Department of Homeland Security to study New Hampshire's northern border and protection for our dam network. (Buzzell, Coos 4: State-Federal Relations and Veterans Affairs)
28, K 516
- HCR 22**, relative to the right to pursue a livelihood in natural resources industries. (Morris, Rock 14; et al: State-Federal Relations and Veterans Affairs)
28, adop 578, 596, S conc 1056
- HCR 23**, urging the President to find it necessary to drawdown the strategic petroleum reserve. (Hagan, Hills 17; et al: State-Federal Relations and Veterans Affairs)
28, K 551
- HCR 24**, supporting the increased production of renewable energy by the agricultural community. (Phinizy, Sull 5; et al: Environment and Agriculture)
28, K 713
- HCR 25**, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. (Marshall Quandt, Rock 13; et al: State-Federal Relations and Veterans Affairs)
28, rem 525, SO 594-595, adop (RC) 691-693, 726, S LT 1316

2006 SESSION**2005 HOUSE RESOLUTIONS RETAINED IN HOUSE COMMITTEES**

HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424).

new title: condemning the genocide in the Darfur region of the Sudan and calling upon the President, the State Department and Congress to unite the international community to end the genocide in Darfur.

rem 31, SO 150, 233, 322, K (RC) 366-368, recon & LT 369, am 1007-1008, adop 1009

HR 14, supporting Taiwan's participation in the World Health Organization, and supporting the establishment of a Taiwan-United States free trade agreement.

new title: supporting Taiwan's participation in the World Health Organization.
am 78, adop 151

HR 16, requesting that the New Hampshire congressional delegation support optional Social Security personal retirement accounts.
study 78-79

2006 SESSION**HOUSE RESOLUTIONS**

HR 20, recognizing Mendon McDonald for his service as chairman of the state committee on aging. (Forsing, Rock 2: Legislative Administration)
28, K 661

HR 21, urging Congress to reimburse New Hampshire municipalities for the amounts granted in veterans' tax credits. (Bucu, Carr 1: State-Federal Relations and Veterans Affairs)
28, K 415

HR 22, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II." (Pepino, Hills 11; et al: State-Federal Relations and Veterans Affairs)
29, SO 516, adop (RC) 579-581, 596

HR 23, memorializing State Representative Robert R. Barker of Campton.
intro & adop 1013-1014, 1017

HR 24, affirming revenue estimates for fiscal years 2006 and 2007. (Major, Rock 8)
rules suspended, intro & LT 1154-1158, am 1235-1236, adop 1236

HR 25, condemning protests and disruptions of military funerals and memorial services. (Albert, Straf 1)
rules suspended, intro, debate printed & adop (2RCs) 1254-1261

HR 26, memorializing State Representative Lee G. Slocum of Amherst.
intro, adop & memorial remarks 1300-1302

2006 SESSION**2005 SENATE BILLS RETAINED IN HOUSE COMMITTEES AND
2005 SENATE BILLS RE-REFERRED BY SENATE**

SB 13, relative to placement and removal of political advertising.
K 49

SB 22, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001. (Education)
596, LT (RC) 1189-1192, K 1308

- SB 24**, relative to disposition upon death of patient accounts in nursing homes. (Judiciary)
596, rem 1099, ruling of Chair upheld (RC) & psd 1175-1178, 1181, enr am 1217, enr 1244
(Chapter 180)
- SB 26**, requiring identification to obtain a ballot. (Election Law)
596, K 1100
- SB 64**, establishing a committee to study small group health insurance plans.
K 41
- SB 72**, relative to the licensing of public adjusters.
am 60-62, psd 151, S conc 234, enr am 324, enr 523 (Chapter 9)
- SB 89-FN**, relative to financing federally aided highway projects.
K 76
- SB 103-FN-A-L**, establishing a committee to study alternatives for funding the operation and maintenance of state-owned dams and making an appropriation to the state dam maintenance fund. (Resources, Recreation and Development)
1009, rem 1099, am 1178-1179, psd 1181, S nonconc 1242
- SB 104-FN**, relative to the tax exemption for water and air pollution control facilities.
SO 233, 322, K (2RCs) 336-343
- SB 107-FN**, relative to the tax on tobacco products other than cigarettes. (Ways and Means)
1011, rules suspended 1093, K 1204
- SB 110-FN-A**, establishing the New Hampshire Rx plus program for prescription drugs.
SO 150, am & Finance 199-203, SO 899, study 970-971
- SB 128-FN**, relative to the establishment of emissions reduction standards as required by the Clean Power Act.
SO 150, K (RC) 210-213
- SB 131-FN**, establishing a school choice certificate program. (Education)
597, am & Ways and Means (2RCs) 1024-1033, K (RC) 1204-1207
- SB 140**, relative to the acceptance of in-lieu payments for the restoration or creation of wetlands and the preservation of upland areas adjacent to wetland areas.
rem 31, SO 150, 233, 322, am 363-366, psd 377, S nonconc, conf 1233, rep adop 1247, 1285, enr am 1291, enr 1298 (Chapter 313)
- SB 146-FN-A-L**, establishing a civil legal services fund consisting of court filing fee surcharges for the purpose of establishing and operating a New Hampshire Legal Assistance office in Nashua and to provide for additional staff in other New Hampshire Legal Assistance offices.
K 79
- SB 147-FN-L**, relative to eligibility for local assistance.
K 76
- SB 148**, relative to motorcycle inspections and relative to electronic inspection information.
K 79
- SB 157-FN**, relative to all terrain vehicles used for agricultural purposes.
study 79
- SB 172**, establishing a committee to study a medical fee schedule for workers' compensation.
study 72
- SB 175**, requiring insurance coverage for certified midwives.
am 41-42, psd 151, S conc 234, enr 377 (Chapter 8)

- SB 178**, designating a certain highway the Gold Star Mothers Highway. (Public Works and Highways)
597, am 1023-1024, psd 1054, S conc 1241, enr 1288 (Chapter 255)
- SB 190-L**, establishing a committee to study including workforce housing in zoning ordinances. (Municipal and County Government)
2nd new title: establishing a committee to study affordable housing in New Hampshire.
597, am (RC) 1167-1169, psd 1181, S conc 1241, enr 1263, appointments 1348 (Chapter 210)
- SB 200**, establishing the uniform athlete agents act. (Executive Departments and Administration)
597, Ways and Means 1022, rules suspended 1094, am 1187, psd 1216, S conc 1241, enr am 1263, enr 1291 (Chapter 265)
- SB 206-FN**, relative to the state code of ethics and establishing an executive ethics commission.
new title: establishing an executive branch ethics committee and recodifying RSA 15 relative to lobbyists, RSA 15-A relative to financial statements, and RSA 15-B relative to gifts, honorariums and expense reimbursements.
am (7RCs) 107-150, psd 151, S nonconc, conf 236, rep adop 732-734, 836, enr 1010, committee amended 1343 (Chapter 21)
- SB 207-FN**, relative to enhanced penalties for certain crimes against the elderly and persons with a physical or mental disability. (Criminal Justice and Public Safety)
597, psd 1020, 1054, enr 1158 (Chapter 89)
- SB 209-FN**, relative to licensing of money transmitters and check cashers.
study 42
- SB 211-FN**, relative to pharmaceutical marketers.
rem 30, SO 150, study 220
- SB 221**, relative to obtaining a driver's license and creating a violation for failure to pay a highway toll. (Transportation)
597, psd 1104, 1181, enr am 1241, enr 1263 (Chapter 211)
- SB 225-FN-A**, relative to horse and dog racing. (Ways and Means)
1009, rules suspended 1093, psd 1187, 1216, enr 1243 (Chapter 156)

2006 SENATE BILLS

- SB 230**, relative to the qualifications and liability of the medical director responsible for utilization review under the managed care law. (Commerce)
1011, K 1109-1110
- SB 231**, relative to the residency requirement to qualify for the elderly property tax exemption. (Municipal and County Government)
1009, am 1066, psd 1094, S conc 1241, enr 1263 (Chapter 212)
- SB 232-FN-A**, making a capital appropriation to the department of health and human services for a dental facility in the town of Tamworth. (Public Works and Highways)
1011, study 1204
- SB 233**, relative to motorcycle rider education. (Transportation)
597, psd 1067, 1094, enr am 1183, enr 1244 (Chapter 174)
- SB 234**, including the International Residential Code 2000 in the definition of the state building code. (Executive Departments and Administration)
597, rem 1060, psd (RC) 1081-1083, 1094, enr 1183 (Chapter 112)
- SB 238**, relative to assistance to members of the general court provided by the legislative budget assistant. (Legislative Administration)
597, K 1204

SB 239, renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Women in Service to Enfield (WISE) Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge. (Public Works and Highways)

new title: renaming the bridge located on Main Street in Enfield, New Hampshire and crossing the Mascoma River as the Enfield Women's Memorial Bridge and naming the bridge located on Main Street in Newmarket, New Hampshire and crossing the Lamprey River as the Newmarket Veterans Bridge.

597, am 1024, psd 1054, S conc 1241, enr 1263 (Chapter 213)

SB 241, allowing municipalities to exclude certain retirement assets from consideration in qualifying for the elderly property tax exemption. (Municipal and County Government)
1009, K 1102-1103

SB 242, prohibiting a person charged with unlawfully killing a decedent from taking from the decedent's estate. (Judiciary)
597, K 1159-1160

SB 244, relative to alternative regulation of small incumbent local exchange carriers and relative to unclaimed deposits for utility services. (Science, Technology and Energy)

new title: relative to unclaimed deposits for utility services.

1009, am 1103, psd 1181, S conc 1241, enr am 1263, enr 1291 (Chapter 266)

SB 245, repealing laws relative to the municipal courts and the administrative committee of the district and municipal courts. (Judiciary)

597, am 1023, psd 1054, S conc 1241, enr am 1263, enr 1291 (Chapter 267)

SB 246, relative to provisions for permissible contact between the agent of the defendant subject to a protective order and a plaintiff. (Criminal Justice and Public Safety)

597, am 1021-1022, psd 1054, S conc 1241, enr 1263 (Chapter 214)

SB 249, allowing a master electrician to have 2 apprentice electricians under his or her supervision, and relative to examinations of electricians by the electricians' board. (Executive Departments and Administration)

597, psd 1071, 1094, enr am 1183, enr 1244, S sustained veto 1309

SB 250, relative to lead paint poisoning prevention. (Environment and Agriculture)

1009, rem 1099, am 1175, psd 1181, S nonconc, conf 1232, rep adop 1247-1248, 1285, enr am 1291, enr 1298 (Chapter 314)

SB 251, relative to the enforcement authority of the division of safety services. (Criminal Justice and Public Safety)

597, am 1015, psd 1017, S conc 1241, enr am 1287, enr 1298 (Chapter 315)

SB 252, relative to certification of speech-language assistants for purposes of speech language pathology practice. (Executive Departments and Administration)

597, rem 1060, am 1083-1084, psd 1094, S conc 1241, enr am 1263, enr 1291 (Chapter 268)

SB 253, relative to enforcement of support orders for college and postsecondary educational expenses. (Judiciary)

598, vac Children and Family Law 774, study 1099

SB 254, renaming a certain bridge in the town of Stratford the Janice Peaslee Bridge. (Public Works and Highways)

1009, psd 1067, 1094, enr 1183 (Chapter 113)

SB 255, establishing a committee to study the funding necessary to operate the hazardous materials program in New Hampshire. (Environment and Agriculture)

597, psd 1100, 1180, enr 1217, appointments 1348 (Chapter 121)

- SB 256**, relative to the definition of “harm” for purposes of the crime of improper influence. (Criminal Justice and Public Safety)
597, psd 1015, 1017, enr 1056 (Chapter 43)
- SB 260**, relative to certification of a registered nurse responsible for emergency medical transportation. (Executive Departments and Administration)
597, psd 1064, 1094, enr 1183 (Chapter 114)
- SB 262**, establishing the position of an administrator of women offenders and family services within the department of corrections, and establishing an interagency coordinating council on women offenders, and making an appropriation therefor. (Criminal Justice and Public Safety)
new title: establishing the position of an administrator of women offenders and family services within the department of corrections and establishing an interagency coordinating council on women offenders.
1009, rules suspended 1058-1059, am & Finance 1061-1064, psd 1193, 1216, S conc 1241, enr am 1263, enr 1291, appointments 1349-1350 (Chapter 269)
- SB 264**, relative to the chief financial officer of the department of environmental services. (Executive Departments and Administration)
597, K 1022
- SB 265**, relative to workers’ compensation requirements for out-of-state employers and employees. (Labor, Industrial and Rehabilitative Services)
597, psd 1102, 1180, enr 1217 (Chapter 122)
- SB 267**, relative to the definition of employee and clarifying the criteria for exempting workers from employee status. (Labor, Industrial and Rehabilitative Services)
1011, SO rej & study 1166
- SB 268**, raising the age of required attendance of children in school and establishing a 2-year pilot program for increasing vocational education opportunities in the Manchester and Nashua school districts and making an appropriation therefor. (Education)
1011, study (2RCs) 1033-1039
- SB 269**, ratifying certain actions at the 1996 Seabrook annual town meeting. (Municipal and County Government)
new title: ratifying all actions from the 1996 Seabrook annual town meeting, pertaining to the adoption of article 3, through September 12, 2006.
597, am 1066-1067, psd 1094, S conc 1241, enr am 1243, enr 1263 (Chapter 215)
- SB 271**, relative to the availability of voter checklist information. (Judiciary)
597, vac Election Law 958, rem 1098, K 1175
- SB 273**, relative to reasonable accommodations for employees with disabilities. (Labor, Industrial and Rehabilitative Services)
1011, psd 1102, 1180, enr am 1217, enr 1244 (Chapter 181)
- SB 274**, adding court security to the duties of the New Hampshire court accreditation commission. (Judiciary)
597, psd 1016, 1017, enr 1056 (Chapter 44)
- SB 281-FN**, establishing an organ and tissue donor registry. (Transportation)
599, am 1067, psd 1094, S conc 1241, enr 1263 (Chapter 216)
- SB 282-FN-L**, relative to removal of abandoned vehicles. (Transportation)
599, am 1104-1105, psd 1181, S conc 1241, enr 1288 (Chapter 254)
- SB 283-FN**, relative to stop loss insurance. (Commerce)
597, am 1020, psd 1054, S conc 1241, enr 1263 (Chapter 217)

- SB 284-FN**, establishing a third full-time justice position in the Manchester, Nashua, and Concord District Courts and equalizing the annual salaries of all justices of the Manchester, Nashua, and Concord District Courts. (Judiciary)
new title: establishing a third full-time justice position in Manchester, Nashua, and Concord District Courts.
1009, rem 1060, am 1085, psd 1094, S conc 1241, enr am 1263, enr 1291 (Chapter 295)
- SB 286-FN**, relative to notice to defendants in small claims actions. (Judiciary)
597, rules suspended 1014, am 1065-1066, psd 1094, S nonconc 1242
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597, am 1160-1166, psd 1181, S nonconc, conf 1233, rep adop 1248, 1285, enr am 1291, enr 1298 (Chapter 324)
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29, SO 835, K (2RCs) 882-887
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valuable and ongoing work	HCR 20
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HB 1241-FN-L, mandating the inclusion of kindergarten as part of an elementary school. Question, adopt majority committee report of ought to pass with amendment. Yeas, 231; Nays, 99	470-472
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HB 1269, relative to the taking of red deer or elk. Question, adopt committee report of ought to pass with amendment. Yeas, 217; Nays, 98	573-576
HB 1314, relative to an adult roles and responsibilities curriculum. Question, adopt majority committee report of inexpedient to legislate. Yeas, 216; Nays, 121	866-868
HB 1328-FN, relative to motor vehicle inspections. Question, adopt committee report of inexpedient to legislate. Yeas, 155; Nays, 124	581-583
HB 1329-FN-A-L, repealing the provision allowing operators to retain 3 percent of meals and rooms tax collected. Question, adopt majority committee report of inexpedient to legislate. Yeas, 231; Nays, 53	829-831
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HB 1333, relative to solid waste reduction goals. Question, adopt committee report of ought to pass with amendment. Yeas, 215; Nays, 89	708-710
HB 1335, relative to the authority of law enforcement officers during a state of emergency. Question, adopt committee report of ought to pass with amendment. Yeas, 264; Nays, 46	683-685
HB 1354, relative to physical force in defense of a person. Question, adopt committee report of inexpedient to legislate on remainder of bill. Yeas, 194; Nays, 138	860-862
HB 1362, relative to permitting audio and video recording on school buses. Question, lay on table. Yeas, 92; Nays, 193	372-374
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HB 1384, relative to standardizing the format for special education budgets. Question, adopt committee report of inexpedient to legislate. Yeas, 144; Nays, 185	565-568
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Roll calls (cont.)

HB 1403, relative to explanations of proposed constitutional amendments appearing on the ballot. Question, adopt majority committee report of ought to pass. Yeas, 166; Nays, 132	704-706
HB 1417-FN, establishing gold star number plates. Question, adopt committee report of inexpedient to legislate. Yeas, 98; Nays, 181	584-586
Question, adopt motion of ought to pass as amended. Yeas, 246; Nays, 36	586-588
HB 1422-FN, relative to the death penalty. Question, adopt majority committee report of inexpedient to legislate. Yeas, 200; Nays, 137	466-469
HB 1457-FN-A-L, establishing an electricity transmission utility property tax. Question, adopt majority committee report of inexpedient to legislate. Yeas, 178; Nays, 145	497-499
HB 1459-FN-A, relative to the department of regional community-technical colleges and making an appropriation therefor. Question, adopt committee report of ought to pass with amendment. Yeas, 242; Nays, 55	978-980
HB 1481, establishing a moratorium period for lobbying by certain state officers. Question, adopt committee report of refer for interim study. Yeas, 201; Nays, 132	755-758
HB 1492, granting immunity from liability to pharmacists who refuse to dispense an emergency contraceptive pill. Question, adopt majority committee report of inexpedient to legislate. Yeas, 215; Nays, 106	804-806
HB 1496, establishing a right to work act which provides for freedom of choice on whether to join a labor union. Question, adopt committee report of inexpedient to legislate. Yeas, 255; Nays, 85	914-917
HB 1506, requiring children 12 years of age or under to wear personal flotation devices. Question, adopt floor amendment. Yeas, 134; Nays, 172	763-765
Question, adopt committee report of ought to pass with amendment. Yeas, 168; Nays, 138	766-768
HB 1515-FN-A, increasing the tobacco tax and dedicating certain tobacco tax revenues to the tobacco use prevention fund. Question, adopt majority committee report of inexpedient to legislate. Yeas, 240; Nays, 30	590-592
HB 1531, establishing a commission to study implementing the Regional Greenhouse Gas Initiative (RGGI) program. Question, adopt majority committee report of inexpedient to legislate. Yeas, 177; Nays, 128	819-821
HB 1548, relative to termination of tenancy. Question, adopt majority committee report of inexpedient to legislate. Yeas, 166; Nays, 102	992-994
HB 1558, relative to regulation of smoking by cities and towns. Question, adopt majority committee report of ought to pass with amendment. Yeas, 100; Nays, 177	895-897
HB 1566, relative to the definitions of resident for motor vehicle law purposes and domicile for voting purposes. Question, adopt majority committee report of ought to pass with amendment. Yeas, 184; Nays, 136	797-799
Question, pass over governor's veto. Yeas, 197; Nays, 141	1305-1308
HB 1567, relative to removing names from the checklist. Question, adopt majority committee report of ought to pass with amendment. Yeas, 195; Nays, 142	869-872
HB 1580, relative to the child support formula. Question, adopt majority committee report of ought to pass with amendment. Yeas, 186; Nays, 146	558-560
HB 1582, prohibiting New Hampshire from participating in a national identification card system. Question, adopt committee report of inexpedient to legislate. Yeas, 84; Nays, 217	768-771
HB 1599-FN-A-L, reducing the rate of the business profits tax and repealing the business enterprise tax. Question, adopt committee report of inexpedient to legislate. Yeas, 211; Nays, 74	510-512
HB 1612-FN, relative to the use of lottery revenue as purses for horse and dog racing. Question, adopt majority committee report of inexpedient to legislate. Yeas, 129; Nays, 151	831-834
HB 1619-FN, relative to a certain toll plaza in Merrimack. Question, adopt committee report of inexpedient to legislate. Yeas, 258; Nays, 82	459-461
HB 1621-FN, prohibiting overpricing of fuel. Question, adopt committee report of ought to pass with amendment. Yeas, 127; Nays, 146	518-520
HB 1638-FN-A, reducing the rate of the communications services tax. Question, adopt majority committee report of inexpedient to legislate. Yeas, 223; Nays, 91	694-696

Roll calls (cont.)

HB 1639-FN, prohibiting the confiscation of lawfully owned and lawfully carried firearms during a state of emergency. Question, adopt committee report of inexpedient to legislate. Yeas, 183; Nays, 129	685-687
HB 1649-FN, including "unborn child" in the definition of "another" for the purpose of first and second degree murder, manslaughter, and negligent homicide. Question, adopt majority committee report of inexpedient to legislate. Yeas, 212; Nays, 129	863-865
HB 1651-FN-A-L, repealing the statewide enhanced education tax. Question, reconsideration. Yeas, 90; Nays, 171	592-594
HB 1666-FN-A, authorizing a memorandum of understanding between state and local law enforcement and the United States Department of Homeland Security regarding immigration enforcement and making an appropriation therefor. Question, adopt majority committee report of inexpedient to legislate. Yeas, 172; Nays, 160	747-749
HB 1682, relative to parental notification of a parent or legal guardian of a child who has been provided with emergency contraception by a pharmacist. Question, adopt majority committee report of inexpedient to legislate. Yeas, 189; Nays, 118	888-891
HB 1692-FN, establishing the New Hampshire sexual predators act. Question, adopt minority committee amendment. Yeas, 76; Nays, 264	950-952
Question, adopt floor amendment. Yeas, 86; Nays, 254	953-955
Question, adopt majority committee report of ought to pass with amendment. Yeas, 307; Nays, 17	956-958
HB 1704-FN-A, establishing a health care fund, continually appropriating a special fund, and requiring certain employers to report certain information to the department of health and human services. Question, adopt committee report of inexpedient to legislate. Yeas, 212; Nays, 128	463-466
HB 1707-FN-A-L, establishing a school choice certificate program. Question, adopt majority committee amendment. Yeas, 130; Nays, 194	780-783
Question, lay on table. Yeas, 150; Nays, 176	783-785
Question, adopt floor amendment. Yeas, 130; Nays, 197	788-790
Question, adopt motion to definitely postpone. Yeas, 102; Nays, 226	790-793
Question, indefinitely postpone. Yeas, 174; Nays, 154	793-795
HB 1710-FN-A, relative to appropriations to the department of health and human services for health care providers. Question, adopt floor amendment. Yeas, 147; Nays, 142	985-988
HB 1714-FN, relative to an electronic controlled drug prescription monitoring program. Question, adopt majority committee report of ought to pass as amended. Yeas, 139; Nays, 134	722-724
Question, reconsideration. Yeas, 150; Nays, 120	727-729
HB 1719-FN, defining human life as beginning at the moment of fertilization. Question, adopt majority committee report of inexpedient to legislate. Yeas, 206; Nays, 80	891-893
HB 1726-FN, requiring the state to pay legal fees for certain Supreme Court justices. Question, lay on table. Yeas, 231; Nays, 52	988-990
HB 1734-FN-A-L, establishing a homestead exemption for seniors against the statewide enhanced education tax and a tax cap credit for seniors against local and state property taxes. Question, adopt majority committee report of inexpedient to legislate. Yeas, 182; Nays, 144	491-493
HB 1737-FN-A, establishing a beverage fee to be paid by beverage manufacturers and distributors. Question, adopt majority committee report of refer for interim study. Yeas, 119; Nays, 207	493-496
HB 1741-FN, relative to reporting requirements concerning infections in hospitals. Question, adopt majority committee report of ought to pass with amendment. Yeas, 226; Nays, 65	715-718
HB 1752, requiring notice regarding the classifications of employee and independent contractor. Question, lay on table. Yeas, 177; Nays, 109	1281-1283
HB 1768-FN, relative to the corporate purposes of the New Hampshire Bar Association and the regulation of attorneys by the Supreme Court. Question, adopt committee report of ought to pass with amendment. Yeas, 195; Nays, 122	809-812
HB 1770, requiring the state to obtain a warrant for telephone and wireless telephone subscriber or customer information and billing records. Question, adopt committee report of inexpedient to legislate. Yeas, 175; Nays, 142	812-814

Roll calls (cont.)

HCR 25, urging the United States to withdraw funding for the United Nations if the United Nations adopts a resolution in violation of the United States Constitution. Question, adopt committee report of ought to pass. Yeas, 184; Nays, 134	691-693
HJR 20, supporting stem cell research. Question, adopt minority committee amendment. Yeas, 111; Nays, 216	880-882
HJR 21, urging the university of New Hampshire to restore intercollegiate baseball and softball. Question, adopt committee report of ought to pass. Yeas, 187; Nays, 117	702-704
HJR 25, encouraging the United States Congress to propose an amendment to the Constitution concerning eminent domain. Question, adopt majority committee report of ought to pass. Yeas, 164; Nays, 141	822-824
HR 13, condemning the genocide in the Darfur region of the Sudan and urging Congress, with the support of the President, to pass the Darfur Accountability Act (S. 495) and the Darfur Genocide Accountability Act (H.R. 1424). Question, adopt committee report of inexpedient to legislate. Yeas, 169; Nays, 137	366-368
HR 22, urging Congress to promote and publicize the report to the Congress of the United States entitled "A Review of the Restrictions on Persons of Italian Ancestry During World War II". Question, adopt committee report of inexpedient to legislate. Yeas, 88; Nays, 201	579-581
HR 25, condemning protests and disruptions of military funerals and memorial services. Question, suspend rules for introduction. Yeas, 292; Nays, 48	1254-1257
Question, ought to pass. Yeas, 318; Nays, 24	1257-1259
SB 1 (special session), relative to preparation of 2006 state general election ballots. Question, adopt section 1 of floor amendment. Yeas, 193; Nays, 140	1337-1339
Question, adopt motion of ought to pass as amended. Yeas, 194; Nays, 133	1340-1342
SB 22, authorizing Holden College to confer degrees and exempting certain teachers from additional certification requirements imposed by the No Child Left Behind Act of 2001. Question, lay on table. Yeas, 188; Nays, 150	1190-1192
SB 24, relative to disposition upon death of patient accounts in nursing homes. Question, uphold ruling of the chair. Yeas, 274; Nays, 17	1176-1178
SB 104-FN, relative to the tax exemption for water and air pollution control facilities. Question, adopt majority committee amendment. Yeas, 157; Nays, 182	338-340
Question, adopt motion of inexpedient to legislate. Yeas, 322; Nays, 17	340-343
SB 128-FN, relative to the establishment of emissions reduction standards as required by the Clean Power Act. Question, lay on table. Yeas, 144; Nays, 195	211-213
SB 131-FN, establishing a school choice certificate program. Question, adopt majority committee amendment. Yeas, 183; Nays, 167	1028-1031
Question, adopt majority committee report of ought to pass with amendment. Yeas, 186; Nays, 166	1031-1033
Question, adopt majority committee report of inexpedient to legislate. Yeas, 172; Nays, 136	1205-1207
SB 190-L, establishing a committee to study including workforce housing in zoning ordinances. Question, adopt majority committee report of ought to pass with amendment. Yeas, 180; Nays, 126	1167-1169
SB 206-FN, relative to the state code of ethics and establishing an executive ethics commission. Question, adopt majority committee amendment. Yeas, 216; Nays, 145	120-123
Question, adopt Whalley floor amendment. Yeas, 219; Nays, 140	123-126
Question, recommit. Yeas, 157; Nays, 203	126-128
Question, adopt Weed floor amendment. Yeas, 142; Nays, 211	140-143
Question, adopt Vaillancourt floor amendment. Yeas, 152; Nays, 199	143-145
Question, lay on table. Yeas, 136; Nays, 215	145-148
Question, adopt majority committee report as amended. Yeas, 229; Nays, 119	148-150
SB 234, including the International Residential Code 2000 in the definition of the state building code. Question, adopt committee report of ought to pass. Yeas, 220; Nays, 112	1081-1083
SB 268, raising the age of required attendance of children in school and establishing a 2-year pilot program for increasing vocational education opportunities in the Manchester and Nashua school districts and making an appropriation therefor. Question, adopt majority committee report of ought to pass.	

Roll calls (cont.)**SB 268 (cont.)**

Yeas, 134; Nays, 219	1034-1037
Question, adopt minority committee report of refer for interim study.	
Yeas, 309; Nays, 44	1037-1039
SB 294-FN-A , authorizing 7 additional state troopers and making an appropriation therefor. Question, adopt committee amendment. Yeas, 228; Nays, 101	1072-1074
Question, adopt committee report of ought to pass with amendment.	
Yeas, 236; Nays, 95	1074-1077
SB 306-FN-A , establishing a quality early learning opportunity initiative and making an appropriation therefor. Question, adopt majority committee report of ought to pass. Yeas, 156; Nays, 154	1040-1042
Question, adopt committee report of ought to pass with amendment.	
Yeas, 192; Nays, 143	1193-1195
SB 310-FN , establishing gold star number plates and relative to special number plates for veterans. Question, adopt floor amendment. Yeas, 269; Nays, 63	1078-1081
SB 318-FN , relative to the use of deadly force to protect oneself. Question, adopt majority committee report of inexpedient to legislate. Yeas, 147; Nays, 178	1141-1144
Question, adopt minority committee report of ought to pass. Yeas, 193; Nays, 134	1144-1146
SB 322 , establishing the business loan enhancement program, and relative to the capital asset backed guarantee program. Question, adopt committee report of ought to pass. Yeas, 198; Nays, 132	1196-1198
SB 324 , requiring notification concerning certain offenders against children. Question, lay on table. Yeas, 201; Nays, 125	1068-1071
SB 348 , prohibiting the taking of arms and ammunition in a declared state of emergency. Question, adopt majority committee report of inexpedient to legislate. Yeas, 107; Nays, 219	1147-1149
Question, adopt minority committee report of ought to pass. Yeas, 235; Nays, 91	1149-1151
SB 351-FN , declaring drowning as cruelty to animals. Question, adopt committee report of inexpedient to legislate. Yeas, 212; Nays, 113	1152-1154
SB 380-FN-A , establishing a research and development credit against business taxes. Question, adopt majority committee report of inexpedient to legislate.	
Yeas, 192; Nays, 107	1209-1211
SB 386 , relative to large groundwater withdrawals. Question, adopt majority committee report of ought to pass with amendment. Yeas, 236; Nays, 63	1172-1174
SB 403 , relative to verification of identity when a person registers or attempts to vote. Question, adopt conference committee report. Yeas, 219; Nays, 121	1252-1254
SCR 6 , urging Congress to support stem cell research. Question, adopt majority committee report of inexpedient to legislate. Yeas, 149; Nays, 147	1048-1050
Question, adopt majority committee report of inexpedient to legislate.	
Yeas, 144; Nays, 190	1085-1088
Question, adopt floor amendment. Yeas, 179; Nays, 156	1088-1091
Question, adopt motion of ought to pass as amended. Yeas, 198; Nays, 140	1091-1093
CACR 21 , relating to the term of office for governor. Providing that beginning with the 2010 general election, there shall be a 4-year term of office for governor. Question, adopt committee report of inexpedient to legislate.	
Yeas, 216; Nays, 145	98-100
CACR 30 , relating to limits on the taking of private property. Providing that eminent domain shall not be used to transfer ownership of real property for private use or economic development. Question, adopt majority committee report of ought to pass as amended. Yeas, 277; Nays, 61	905-907
CACR 31 , relating to the attorney general. Providing that the attorney general be elected for the same term as the governor. Question, adopt committee report of inexpedient to legislate. Yeas, 217; Nays, 91	502-504
CACR 34 , relating to the definition of marriage. Providing that marriage between one man and one woman shall be the only legal union that shall be valid or recognized in this state. Question, lay on table. Yeas, 55; Nays, 277	883-885
Question, adopt majority committee report of inexpedient to legislate.	
Yeas, 207; Nays, 125	885-887
CACR 37 , relating to the legislature. Providing that compensation shall be based on present value. Question, adopt committee report of ought to pass.	
Yeas, 162; Nays, 164	736-738
Question, adopt motion of inexpedient to legislate. Yeas, 202; Nays, 123	738-741

Rooms and meals tax. See: Meals and rooms tax

Rowe, Rep. Robert H., remarks on John Stark 1095-1096

Rules

- education, state board, proposed rules must be approved by general court
 - education committees HB 1287
- house of representatives
 - deadline for bills not going to a second committee suspended 378
 - deadline for sign off on conference committee reports suspended 1236
 - deadlines, amended 2, 1308
 - deadlines, suspended 1094
 - special session, adopted (2 RCs) 1322-1335
- passenger tramways safety board, ski areas, hearing notice by first class instead of
 - registered mail HB 1156
- state agencies
 - environmental matters, statement on sound scientific basis required HB 1571
 - joint legislative committee on administrative rules, proposed, preliminary and final
 - objection; interim rules, amendments; improving procedures, study HB 1351
 - joint legislative committee on administrative rules, rules may not be adopted over
 - committee's final objection HB 1397

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Safety department

- administrative attachment, amusement ride safety advisory board HB 1337am
- boat facility in Belmont, appropriation; bonds HB 264
- boat registrations, all fees remitted to safety department for the navigation safety fund HB 1701
- commissioner
 - 2 year term HB 1183
- bingo and lucky 7 administration and enforcement transferred from
 - pari-mutuel commission HB 715
- boat mooring permit hearings, rulemaking HB 317
- hazardous materials accidents, rates, costs, and guidelines for equipment and
 - personnel, maximums set; rulemaking HB 1349
- nomination of homeland security and emergency management director; department
 - reorganized; appropriation HB 1697am
- private detectives and security services duties transferred to private investigation
 - and security services board HB 455
- state and local police trained to assist in enforcing federal immigration law,
 - memorandum of understanding with Homeland Security; appropriation HB 1666
- duty to locate and serve notice on sexual offenders who have moved into the state of
 - their duty to register removed if the offender has already registered with
 - local authorities HB 1480
- energy expense shortfall in state-owned buildings, supplemental appropriation HB 1626am
- fire-safe cigarettes, standards for sale HB 645
- fuel gas fitters licensed and regulated; Amilia's law HB 1711
- motor vehicles
 - first-time driver's license applicants informed of controlled drug laws HB 1260
 - sale to Massachusetts resident, notice by retail dealer SB 325am
- regional highway conference statutes repealed HB 1471
- safety services, enforcement powers and jurisdiction amended, Atlantic Ocean included SB 251
- state troopers, 7 additional authorized SB 294

Sales

- alcoholic beverages
 - and wine, coupons and rebates may not be used to purchase HB 1606
 - legal drinking age reduced for armed forces members HB 1647
- by pet shops of sick or injured animals, liability for costs of veterinary treatment
 - and care HB 1440
- cans and bottles, certain plastic holding devices, prohibition repealed HB 1523
- certain knives and weapons, sale to adults not convicted of a felony allowed HB 1386
- cigarettes
 - delivery sales by mail, telephone, or Internet regulated; age verification and
 - payment of tax required; penalties HB 1454

Sales (cont.)

cigarettes (cont.)

fire-safe, standards for sale in NH; penalties	HB 645
fire-safe, standards for sale in NH, study	HB 498
consumer products with tracking devices or radio frequency technology, study	HB 203
food, registration of out-of-state and in-state residential non-commercial kitchens; rulemaking	HB 1683
milk, unpasteurized, permitted, conditions	HB 1216
motor vehicles	
dealers, notification regarding brake shift interlock and key positions	HB 1295
new, event data recorders must be disclosed to consumer prior to sale; data release restricted	HB 599
to Massachusetts residents, notice to safety department by retail dealer	SB 325am
overpricing of fuels prohibited, penalties	HB 1621
real property where methamphetamine has been produced, notifications and remediation required	HB 1667am

Sales tax , access by another state's revenue agents to NH business records limited	HB 92
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Salvage motor vehicles , license and renewal applications must certify compliance with environmental services best management practices	HB 1307
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Sandown , 2006 meeting legalized	HB 1273am
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Scamman, Douglas. See: Speaker

Schiller units 4-6 , coal-burning power plants, mercury emissions, scrubber technology required	HB 1673
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School buses

interior, audio and video recordings permitted; notifications required	HB 1362
safety of stops, evaluation and review	HB 1525

School districts

3 town, withdrawal procedure	HB 292
boards	
costs of contracts, disclosure to voters required	HB 1640
employee civic duty act, right to request leave without pay from employer	HB 1133
percentage of total budget used for direct support of education must be disclosed	HB 1187
budget spending cap based on average of the consumer price index for the previous 4 years	HB 1694
building code construction permits, fees limited	HB 191
compulsory attendance age raised to 18; waiver provisions	SB 268
cooperative, budget committee, additional member to serve as liaison between committee and school board; time for filling vacancies changed	HB 1392
financial implications of special education pupils attending charter schools, study	HB 1378
food and nutrition programs, breakfasts, state reimbursement; appropriation	HB 1249
high schools, vocational education, pilot program for Manchester and Nashua to identify interested pupils and increase opportunities; appropriation	SB 268am
joint maintenance agreements, budget requirements	HB 356
kindergarten construction aid program extended	HB 1241
meetings, official ballot form, bonds and notes, vote required for use of unexpended proceeds or balance remaining	HB 1184
municipal budget law, biennial budget of one distinct 24 month fiscal year authorized	HB 1436
must review and may adopt adult roles and responsibilities curriculum established by state board of education	HB 1314
officials, elected, recall elections, procedures	HB 1635
proverbs, instruction required in elementary schools	HB 1368
pupils	
in residential placements, sending district redefined	HB 1157
safety and violence prevention, terroristic threats defined; mental health evaluation or referral to juvenile court as child in need of services	HB 1306
state aid used exclusively to fund public education; overpayments returned to state treasurer	HB 1170
statistical reports to education department, superintendent to certify that the school board chairman has received a copy	HB 1497
teachers. See: Teachers	

School districts (cont.)

- volunteers, categories that may be required to undergo a background investigation and criminal history check; liability limited HB 1209

Schools

- 21st century scholars program, tuition scholarships at qualified public or nonpublic schools; tax credits for donations SB 131am
- adequate education
 - and costs defined; direct grants to school districts or charter schools; low and moderate income homeowners tax relief increased HB 1695
 - criteria revised HB 1178
 - defined HB 646
- administrative units
 - alternative budget procedures, adoption procedure amended HB 278
 - joint board, voting requirements HB 1518
 - superintendent fined by education department commissioner for failure to file statistical report HB 1497
 - volunteers, categories that may be required to undergo a background investigation and criminal history check; liability limited HB 1209
- building aid
 - construction of athletic fields for school use on municipally-owned land, conditions; Bedford high school included HB 1593
 - cost estimates to install artificial turf for an athletic field not considered excessive or unreasonable HB 1203
 - supplemental appropriation SB 308
 - temporary lease-purchase agreements eligible HB 191
- charter
 - and choice, funded from education trust fund surplus HB 1502
 - pilot program, state board may grant unlimited number; funding paid directly to school; conflict of interest provisions HB 297
 - registration with secretary of state removed HB 297
 - state board approval, funding provision amended HB 76
 - tuition payments made directly to charter schools by education department HB 1736
- choice program, for tuition at nonpublic school of the parent's choice HB 1707
- emergency response plans based on Incident Command System and National Incident Management System required HB 1489
- funding
 - adequate education, benchmark rate to replace education property tax; targeted aid; education alternatives fund; special education funding amended HB 606
 - adequate education, statutes revised; funded by video lottery revenues HB 1693
 - education property tax, rate reduced; determination of average education cost; tax limit and transition grants to certain towns HB 614
 - education property tax, repealed; replaced by education equity index and stability grants HB 100
 - education property tax, repealed; state aid formula revised; municipal wealth calculation and needs-based matching grants; state funding for special education catastrophic aid HB 650
 - education property tax, repealed; targeted aid grants; transitional grants; donor towns eliminated HB 684
 - state aid for educational equality, limited English proficient pupil redefined HB 1113am
 - statewide enhanced education tax, elderly homestead exemption HB 1734
 - statewide enhanced education tax, grants and excess tax formula amended HB 100am
 - statewide enhanced education tax, one-time reduction in rate, appropriation HB 1644
 - statewide enhanced education tax, repealed HB 1651
- health care needs of medically fragile students, study HB 1136
- high schools, public academy and independent school defined HB 1113
- Laurent Clerc Academy, education for deaf persons, appropriation HB 1601am
- nondriver identification cards, mobile vans operated by motor vehicles division to issue cards at schools throughout the state HB 1664
- open enrollment, all schools HB 664
- public, sex education non-mandatory; abstinence stressed; other criteria HB 39
- sexual offenders or offenders against children
 - may be prohibited from residing within 1000 feet of a school HB 1692
 - registered, notification by police of address or change of name HB 1209

Schools (cont.)

smoking prohibited	HB 1177am
state aid withheld from town until copy of annual town report is submitted to commissioner of education	HB 1412
statewide improvement and assessment program, statement of purpose, term "democracy" replaced with "republic"	HB 1323
teachers. See: Teachers	

Science and technology planning, Experimental Program to Stimulate Competitive

Research, recognition and support	HJR 22
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Scrapie certification board members, appointment and duties amended; status of flock

maintained by meeting certain federal requirements	HB 1296
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Scuba divers, recreational, taking of lobster, special license

HB 1182

Seabrook, 1996 meeting and actions taken arising out of adoption of article 3 legalized

SB 269

Seacoast

area, water, future needs and availability, means to estimate, pilot project by environmental services	HB 1609am
Atlantic Ocean included in enforcement powers and jurisdiction of marine patrol officers	SB 251
healthy tidal waters and shellfish protection program; appropriation	HB 1747

Seacoast Shipyard Association, in support of Portsmouth Naval Shipyard, appropriation

HB 1148

Search and rescue fund, fish and game, annual appropriation from the general fund

SB 364

Searches and seizures, warrant required for attorney general to obtain telephone customer

information and billing records	HB 1770
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Seat belts, child passenger restraints amended

HB 1201

Seavey Island recognized as being within the boundaries of NH

HJR 1am

Secretary of state

administrative attachment, state ethics officer	HB 1240
archives and records management, integrity a policy objective; electronic record defined; procedures manual; salaries of clerks and assistants may be adjusted	HB 582
businesses administratively dissolved, reimbursement of excess reinstatement application and late fees	HB 1227
charter schools, registration requirement removed	HB 297
constitution, NH	
language on supreme court rulemaking removed	HB 1193
printing and distribution may be funded by general court compensation	HB 1326
elections	
absentee voting, special assistance for emergency services workers during a disaster	HB 380
campaign contribution information published on the Internet	HB 1217
centralized voter registration database provided to courts for preparation of jury lists	HB 1238
presidential primary, filing period may be set according to date of the primary	HB 1125
recounts initiated by; conditions; random audit recounts	HB 1286
recounts, visual inspection required; no mechanical, optical, or electronic device may be used	HB 1147
electronic reporting and recordkeeping authorized for various election purposes, lobbyists, notary publics and justices of the peace	HB 1311
information practices act, advisory committee study; moratorium on reporting requirement	HB 1264
or designee, member of public employees deferred compensation commission	HB 716
.....	HB 1574am
or designee, nonvoting member of trust company incorporation board	SB 394
pharmaceutical manufacturers must report gifts or payments to any medical provider or facility	SB 211
registration of athlete agents	SB 200
service of process on foreign corporations may be addressed to secretary of state after other attempts have failed	HB 1205
vital records, technical corrections	HB 1191

Securities regulation

definitions, unlawful activities, licensing, and secretary of state's authority amended	HB 716
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Securities regulation (cont.)

- director or designee, member of public employee deferred compensation commission HB 1574
- failure to comply with certain orders, penalties HB 1574am

Security deposits. See: Landlord and tenant

Security services board established for private investigators and security services HB 455

Self-defense, martial arts schools, registration, contract requirements, and surety bonds HB 1325

Senate

- calendars, copies provided to public libraries HB 1242
- clean elections fund, public financing HB 1421
- members increased to 30, and districts reduced to 10 CACR 33

Sentences

- arrest record of person found not guilty by a jury immediately annulled at no cost HB 1677
- class A misdemeanors in district courts, appeals, de novo jury trial in superior court or
supreme court review of questions of law HB 1636
- convicted inmates awaiting completion of pre-sentence investigation in county facility
longer than 30 days, costs paid by state HB 1410
- extended term of imprisonment for
 - assault on firefighter or emergency medical care provider HB 1231
 - assault, theft or fraud against the elderly or disabled SB 207am
 - sexual predators HB 1692
 - theft or fraud against the elderly or disabled HB 696
- good conduct credits to reduce sentences HB 1729
- incest considered a violent crime for purposes of annulment when victim is
under age 18 HB 1377
- mandatory
 - minimum for felonious use of firearm amended HB 1377
 - study HB 113
- parole
 - eligibility for persons convicted of nonviolent offenses with Immigration detainers,
deportation orders, or a pending federal prison sentence HB 373
 - hearings, notice posted on state web site; information required and time limits;
medical parole hearings expedited HB 372
- sexual assault, aggravated felonious, conviction of 3 or more offenses,
sentencing amended HB 533
- sexual offenders
 - or offenders against children, registration, town may require that neighbors be
notified of the person's release into the community SB 324
 - registration, electronic monitoring may be required HB 1476

Septage, land application, setback within river corridors, requirements; exceptions HB 722

Septic systems

- inspectors, license required HB 1456
- new in coastal watershed, additional fee for healthy tidal waters and shellfish
protection program HB 1747

Service animals included in disaster evacuation plans HB 1435

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control, revenue from increased boat registration fee	HB 1701
report on permitting process for application of pesticides	HB 1317
healthy tidal waters and shellfish protection program; appropriation	HB 1747
loon nesting protection zones, establishment and enforcement, study	HB 1140
National Flood Insurance Program, towns may adopt floodplain ordinances as part of enrollment; rate maps; previously adopted ordinances legalized	HB 1330
Pennichuck Brook and watershed, protection; prohibited activities and development restrictions	HB 1289
public, state-owned waterfront property, effects of leasing, study	HB 1684
surface, submerged petroleum-powered vehicles or petroleum containers, removal notifications and procedures amended	SB 282am

Weapons, knives, persons who may carry expanded	HB 1386
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West Nile virus, mosquito control fund, aid to municipalities; rulemaking	HB 1464
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Wetlands

- classified by environmental services as contributing or noncontributing;
 - noncontributing not regulated HB 1259
- excavating permits
 - fee reduced, effective date extended; wetlands bureau report on permitting SB 371
 - process required SB 371
 - local as well as environmental services approval required HB 121am
- restoration, aquatic resource compensatory mitigation, in-lieu payments authorized SB 140

Weyler, Rep. Kenneth L., remarks on memorial to Gregory "Pappy" Boynton at

- University of Washington 1095

Whistleblower protection, public employees freedom of speech concerning employment HB 126**White Mountain resort and casino HB 685****Wiggin, Dori, employee of environmental services, transfer, study HB 426****Wildlife legacy initiative, gifts and donations to support conservation projects;**

- super sporting license repealed, account transferred HB 1657

Wind power

- facilities, siting and construction, study HB 1568
- generation facilities, tax exemption or payments in lieu of taxes; local option HB 1757
- support for the initiative that agriculture supply 25% of total energy consumed in
 - the US by 2025 HCR 24

Wine, coupons and rebates may not be used to purchase HB 1606**Wiretapping and eavesdropping, school buses, interior, audio and video recordings**

- permitted; notifications required HB 1362

Women

- offenders, administrator of women offenders and family services and interagency
 - coordinating council on women offenders established SB 262
- pregnant, Medicaid health services accounts HB 690

Wood

- concentration yards, defined and regulated HB 1603
- products, forests and lands director may regulate entry into state to control introduction
 - or spread of insects or disease HB 1603
- timber yield tax, rate reduced HB 1637

Workers' compensation

- employer failing to provide coverage, date for beginning fine changed HB 1751
- law applicable to nonresident employers and employees doing business in NH SB 265
- medical fee schedule, study SB 172

World Health Organization, Taiwan's participation supported HR 14**World War II**

- Battle of Okinawa, remarks by Rep. Joseph E. Stone 1017
- Congress urged to promote and publicize the report entitled "A Review of the
 - Restrictions on Persons of Italian Ancestry During World War II" HR 22
- United States Submarine Veterans of World War II Memorial Bridge, between
 - Newfields and Stratham named HB 1313

Y**Youth development center**

- children leaving, transitional housing in state-owned buildings, study HB 1589
- health care, study HB 1332am

Z**Zoning**

- boards, members conflict of interest, not to participate in any matter in which they
 - have prejudged the outcome HB 1257
- boards of adjustment
 - applications, tie vote to be a vote in favor of the applicant HB 1339
 - complaints about certified home inspectors HB 642

Zoning (cont.)

boards of adjustment (cont.)	
elected, alternate appointed members may not be unsuccessful candidates in the previous election	HB 1748
master plans, economic development section, consideration for workforce housing required	HB 1117
ordinances	
amendments, building permit moratorium not applicable if plats or applications have been the subject of planning board notice	HB 1508
environmental services permits; local approval also required	HB 121
floodplain, towns may adopt as part of enrollment in National Flood Insurance Program; rate maps; previously adopted ordinances legalized	HB 1330
growth management, implementation and use, study	HB 1529
innovative land use controls, village plan alternative where cluster development is allowed	HB 1141
local, all-terrain vehicle and trail bike trails must be compatible	HB 1519
must provide opportunities for workforce housing	SB 190
petitioned amendments, approval by governing body required; rejected if clearly unconstitutional or frivolous	HB 1439
water, groundwater, large withdrawals, evidence of compliance with all local ordinances required before environmental services issues a permit	HB 1541
sprawl, control, plan required	HB 1507
violations, first offense, definite fine amount set	HB 1320







